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BRIEF AND IMPARTIAL

HISTORY

OF

THE LIFE AND ACTIONS

OF

ANDREW JACKSON,

PRESIDENT OF THE UNITED STATES.

Ignem, cujus scintillas ipse dedisti,
Flagrantem latè et rapientem cuncta videbis.

Juvenal, Sat. XIV. 244—5.

Alter,
Si fecisset idem, caderet sub iudice mortui.

Juv. IV. 11, 12.

By A FREE MAN.

Boston:

STIMPSON AND CLAPP.

1831.

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*J. Snelling of
Boston Author*

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P R E F A C E.

'Defend me from my friends,' says the Castilian proverb, 'and I will defend myself from my enemies.' The adage is trite, but the force with which it applies to the subject of the following memoir must be our apology for its use. Never had man more reason to feel its truth than president Jackson. We doubt not that his wisest friends would desire that most of the acts of his life should be buried in oblivion, as the only means of saving his reputation, and that of the nation which tolerated them. This desirable consummation has been prevented by the reckless folly of some of his adherents, who, not content that his errors should be forgotten or forgiven, demand that they should be applauded. The learned late secretary at war did his worst to his friend and patron in writing his life, or more properly his eulogium; but the president, mistaking an injury for a benefit, rewarded his ill-advised labors in kind; that is, he conferred on him notoriety and contempt, for in this case the terms are synonymous. Then came Mr. Waldo, and gibbeted Mr. Jackson in a work worse, if possible, than the other. He found his hero a convenient peg on which to hang his wares for sale, though any other equally prominent would have answered his purpose as well. Two or three abstracts of these books have since been published, and a biography, which purports to give the other side of the question, has also issued from the Philadelphia press. As all our efforts to procure a copy of this last have failed, we presume it has not had a very wide circulation. The others are all very imperfect; they omit more than half of the steps of Mr. Jackson's career, and bring his history no farther than the battle of New-Orleans. However, they contain official documents and other data, of which we have availed ourselves, and to these they are indebted for this notice. Were they to be regarded as specimens of American literature, or had their publication been delayed till now, we should dismiss them from our consideration, and even from our contempt, at once. But they have occasioned irreparable injury; their contents have been proclaimed in all quarters of the Union, in a voice louder than a trumpet-call. They have aided to produce a delusion that has raised

Andrew Jackson to the highest place in the state, and which even now has not wholly passed away.

We have heard Mr. Jackson's advocates advance, that whatever his character may be, we are bound to think and speak of him, as president of the United States, with respect. We subscribe to this doctrine in part, but to admit it in its fullest extent, would be equivalent to a surrender of the liberty of thought, word and deed. We will yield our chief magistrate all due respect, and speak of his actions with as much charity as a paramount duty to our country will permit. We will render to Cæsar the things that are Cæsar's; but when his deeds are wrong, our approbation does not belong to him. In such cases we will exert the right of censure.

We hold the sanctuary of private life sacred and inviolable: but when a man oversteps its threshold, and pretends to public confidence and trust, it is our right, nay, our duty, to lay it open, as far as may be necessary to discover his fitness or unfitness for the elevation to which he aspires. It is incumbent on every good citizen to throw all the light he may on matters of national concern. These reasons induce us to analyze the much-boasted claims of Mr. Jackson to the esteem and gratitude of the American people. We shall proceed in a spirit of candor to weigh him in the moral balance, and if he be found wanting, his must be the blame, not ours. The facts we intend to connect in their proper order are on record and cannot be disputed, and if the reader should not like our inferences, let him make his own.

Some things there are connected with the life of Mr. Jackson, which affect the characters of others as well as his own. We cannot leave them out, in justice to our readers, but that none may have reason to complain, we shall relate the simple facts, without note or comment.

We have no personal interest in the result of the approaching political contest. We have no office to lose, or any expectation of getting one. We do not write for any electioneering purpose, having no more depending on the vicissitudes of politics than the most obscure of our fellow citizens has. Such being the case, we hope to perform our task with strict impartiality. If, however, we should have occasion to record violations of law, morals and gospel, we shall speak of them in such terms as they deserve.

CHAPTER I.

Birth and parentage of Andrew Jackson. He joins the American army, and is made prisoner. Is wounded. His education. Emigrates to Tennessee. His courtship and marriage. His appointment to distinguished stations.

Though in this country the extraction of any individual is a matter of little importance, as every man is here the child of his own works, it may gratify some persons to learn who was the father of one whose name is so widely known as that of the subject of this memoir. Andrew Jackson, the father of the American president, was an Irishman, but we are unable to say to what part of Ireland he belonged. He landed at Charleston, South Carolina, in 1765, and settled at Waxaw, about forty-five miles above Camden. He brought with him to this country two sons, and the third, now president Jackson, was born (according to Eaton) in May, 1767. Shortly after Andrew Jackson senior died, leaving his widow the task of educating her children. She appears to have been an amiable and exemplary woman. She had not the means to give all her children a liberal education; but Andrew, whom she intended for the ministry, was sent to school, and continued there till the war of the Revolution broke out and interrupted his studies. The interruption is much to be regretted,

as to it are, perhaps, owing many opinions and productions that have been deplored by Mr. Jackson's friends, and have furnished a theme for the exultation of his foes.

His ardent temperament seems to have shown itself early in life, for at the age of fourteen years, we find him carrying a musket in the service of his country. In this he was encouraged by the example of his brothers, the elder of whom fell a victim to the fatigues of his first campaign. For a while, however, young Jackson had no opportunity of displaying his juvenile courage; the American force broke up on the approach of lord Cornwallis, and each individual returned to his home. The British commander sent a major Coffin to Waxaw, with a considerable body of troops, to destroy the place and make the inhabitants prisoners. The Americans, to the number of forty men, were assembled to concert their measures, when the British troops fell suddenly upon them and captured eleven of their number. The rest escaped, and among them the young Jacksons, who were, however, taken the next day.

The British troops, in the early part of the Revolution, appear to have considered the colonists as rebels, by no means entitled to the usual courtesies of war. The Jacksons, the evening after their mischance, were reminded of this by an order to clean the boots of one of the officers. Andrew, very properly, refused to obey, and indignantly demanded the treatment due to a prisoner of war. The officer, enraged at his contumacy, struck at him with his sword, and in parrying the blow, the youth received a cut on his left hand. His brother also received a wound on the head, which,

though not necessarily mortal, became so for want of proper attention. This anecdote has been related by all of president Jackson's biographers, who have demanded that their hero should be admired for not submitting to a degradation. We would not deprive him of any credit due to his conduct on this occasion, but we think there are few of the youth of America, who would not have acted in the same manner.

The brothers were then conveyed to jail, where their wounds received no care. That of Andrew was slight, and the neglect did him no harm, but his brother's brought on an inflammation of the brain, which, a few days after his liberation, ended in death. They were soon exchanged, and returned to their mother, whose death followed close on that of her son. This excellent woman was exhausted by her exertions to supply the wants of the suffering prisoners who had been taken from her neighborhood, and the death of her offspring brought her misery to its fatal crisis. Andrew Jackson was thus left alone in the world, suffering with disease brought on by the hardships he had undergone, and with the small-pox, which broke out on him at the same time. His life was for a while in great danger.

He recovered, not to enjoy, but to dissipate his patrimony; but happily for him, he had wisdom and firmness enough to stop before it was wholly wasted. He endeavored to make up for lost time by severe application, and according to his erudite biographer, major Eaton, '*revised the languages.*' It must be admitted that he labored under great disadvantages, and that the section of the country in which he resided afforded but limited opportu-

nities for instruction : besides, his habits of application had been interrupted, so that it would be unfair to blame him for his small scholarship. He showed some judgment in changing the study of theology for that of the law, though for all that appears to the contrary, he might have shone as brightly in the pulpit as at the bar. He prosecuted his legal studies two years at Salisbury in North Carolina, under the direction of Spruce M'Kay, Esq. and Mr. John Stokes, both lawyers of some reputation. Then judging himself capable to expound the law, at the age of nineteen, Mr. Jackson obtained a license to practise in the courts of the State, which he did for two years.

We have no means to ascertain what was his success during this period ; no trace of his works remain to tell what they were, and all his biographers are silent on the subject. We find him, in 1788, in the State of Tennessee, then the outlet of the enterprise of North Carolina. Tennessee was then a new, wild country, principally occupied by hardy borderers, among whom knowledge was scarce, and consequently his chance of distinction was greater. Law there was not, as in New England, a mistress to be wooed for years, and won at last with difficulty. The same state of affairs exists in all new States ; in some of them, we have seen governors and even members of congress unable to spell a dissyllable. For a lawyer, especially, the prospect is fair. The bonds of society are relaxed, and as the people own few restraints save those of feeling, he cannot want employment. Moreover, the questions argued in the courts are generally of the most simple kind, and upon the plainest points of law. Few cases occur in which

abstruse principles are involved, and the young attorney need not fear to meet with any overwhelming superiority, either in the opposing counsel or upon the bench. A Webster and a Wirt belong to a more advanced state of society. Such was the field open to attorney Jackson.

It may be set down as almost a miracle, that he found no lawyer settled in Nashville, where he first set up his staff of rest. Consequently he was welcomed with a shower of briefs, and the very morning succeeding his arrival he issued no less than seventy writs. His presence soon became a terror to the debtors in the place, of whom the number was not small, and he was consequently involved in a great many broils, through which his native energy carried him with more credit to his courage than to his discretion.

In 1789, Mr. Jackson formed an acquaintance that was to have a powerful influence on his future reputation and happiness. We would fain pass over this matter in silence, in mercy to him, as major Eaton has done, were it consistent with the duty of a biographer. As it is, we shall merely detail the facts relating to this connexion, without comment.*

Lewis Robards and his wife boarded in the same house with Mr. Jackson. He was a man of irregular habits and harsh, jealous temper, of which his wife frequently felt the effects. They lived together very unhappily, and had at one time been separated, on account of her intimacy, which her husband supposed to have been carried beyond proper bounds, with a third person, whom it is

* See judge Overton's letters, and the records of the legislature of Virginia.

unnecessary to name. This breach was made up by the intervention of judge Overton, and they were living together on apparently amicable terms when Mr. Jackson became acquainted with them. His intimacy with Mrs. Robards gave offence to her husband, who made his discontent known to many. His complaints at last reached the ears of Mr. Jackson, who quarrelled with him and left the house to board elsewhere. A personal combat was the consequence, and Mr. Robards bound our hero over to keep the peace.

Mr. Robards remained with his spouse several months, and finally left Nashville in company with a Mr. Crutcher, to go to Kentucky. On his way thither, he expressed to Mr. Crutcher his determination to remove his wife to Kentucky, as he was determined not to dwell in Tennessee. Notice of this his resolution reached Nashville soon after, on which Mr. Jackson said to judge Overton, that 'he was the most unhappy of men, in having been innocently and unintentionally the cause of the loss of the peace and happiness of Mrs. Robards, whom he believed to be a fine woman.'

This fine woman, on hearing of her husband's intention, resolved to flee to Natches to get out of his way, and Mr. Jackson went with her, 'to protect her from the Indians.' On hearing of her evasion, Mr. Robards petitioned the legislature of Virginia for a divorce; which, however, he did not immediately obtain. Yet on the supposition that the petition had been successful, Mr. Jackson returned to Natches, and brought Mrs. Robards back with him as his wife. The decree for the divorce was not pronounced till two years after, when a second marriage took place between Mr.

Jackson and Mrs. Robards. The union thus formed, continued thirty-nine years, cemented by the unabated affection of both parties. Of the propriety of its commencement we give no opinion; the subject has been long before the public in every point of view. It is painful to be obliged to mention it at all, and we take leave of it with joy.

Mr. Jackson became a leading man among the then pioneers of Tennessee. His knowledge, small or great, gave him an elevation he would scarcely have attained in a more enlightened community. Tennessee, lately admitted into the Union as a State, felt the want of a constitution and form of government, and a convention assembled to frame these instruments. Mr. Jackson was chosen a member, and ranged himself in the ranks of aristocracy. We should scarcely mention his efforts on this occasion, were they not in direct opposition to the supposed principles of his administration. He might, and probably did act conscientiously; but it is certain, that had his political opinions remained unchanged and been generally known, some who lately voted for him, would have been pre-eminently zealous in opposition to his appointment. The great body of those, who, in 1829, cried 'Hurrah for Jackson,' little thought that his first political efforts were intended to overthrow their standing as members of the body politic. He opposed the principles of universal suffrage and equal rights. He was one of the framers of the law that allows the rich man a vote in every county in which he may own a certain quantity of land, and confines the poor man to a single vote in the county in which he resides. He approved and advocated the bill recommending the

exclusion from the legislature, of every man who did not possess two hundred acres of land in his own right. He was one of a committee, that proposed the following article, as a part of the constitution of the new State, which establishes one of the points above mentioned.

‘ All freemen, of the age of twenty-one years and upwards, *possessing a freehold in the county where he may offer to vote*, and being inhabitants of this State; and all freemen who have been inhabitants of any one county within the State, six months immediately preceding the day of election, shall be entitled to a vote for members of the general assembly, for the county in which they shall respectively reside.’

Seven days after, a member of the convention moved, ‘ That no person shall be eligible to a seat in the general assembly, unless he has resided three years in the State and one in the county, immediately preceding the election, and shall possess, in his own right, in the county which he represents, not less than two hundred acres of land.’ This motion was seconded by Mr. Jackson, and passed. We do not pretend to decide whether the principles he thus advocated were right or wrong, but merely to show that his political opinions have greatly changed. His conduct in the convention was, nevertheless, approved by the citizens of Tennessee, who elected him to represent them in Congress.

His character about this time may be given in few words, as it appears from his words and deeds. He was a man of violent temper, little knowledge, much pride, great energy, untiring perseverance, and unshaken courage, physical and moral. His claim to the latter attribute is proved by the public

expression of his opinion of general Washington, which would have blasted the prospects of a more prominent politician. It is the only part of his conduct while a representative that merits notice, and the only one of his votes that attracted attention. General Washington, it will be remembered, was about to retire from his high station, and a committee, of which James Madison was a member, drew up an address to him, in which his wisdom, firmness, and other eminent qualities, were eulogised in the highest terms. Mr. Giles of Virginia, moved to expunge all expressions of respect, as he wished him to retire, and thought that the time for him to do so had arrived. This motion, so repugnant to the feelings of all unprejudiced men, had the support of Mr. Jackson. Excepting this expression of his dislike to the father of his country, he took small part in the business of the legislature.

CHAPTER II.

Mr. Jackson's appointment to the Senate. His resignation. He is elected a Judge of the Supreme Court of Tennessee. His resignation. Duel with Dickenson. His connexion with Aaron Burr. Negro trading. Mr. Jackson's conduct as a lawyer and land speculator.

In Tennessee, Mr. Jackson's popularity still increased, and in 1797 he was elected a senator in Congress. His vote for a repeal of the alien law was his only official act of note while he filled this station.* He retired from the Senate chamber before the session was over, to attend to his private business, and on his return to Tennessee, was appointed major-general of the militia of that State. To avoid repetition, it may be well to observe here, that he continued to hold his commission till the year 1814. Immediately after receiving this appointment, he performed one of the most judicious acts of his life, and at the same time gave the citizens of Tennessee reason to think of him with gratitude and esteem. Taking a retrospective view of his political career, he found no cause for self-gratulation, and became convinced of his incapacity to discharge the high trust confided to him.† He therefore resigned his seat in the senate, with

* See State Papers.

† Eaton's Life.

a public acknowledgement of his incompetency, and made way for general Smith, whom he justly esteemed a wiser man than himself. This conduct, we opine, was highly honorable to him, for self-knowledge is what very few men have ever been able to acquire, and self-humiliation requires an almost more than human effort of the mind. While we regret that in a similar situation he has acted in a different manner, we cannot but award him the highest encomiums for his singular modesty in his earlier years.

His constituents' opinion of his moral worth was exalted by this instance of self-denial, and they proved their esteem by appointing him a judge of the supreme court of the State.* The vain breath of popular clamor had not then awakened the dormant spark of vanity in his bosom, and he was sensibly alive to the difficulties of his station. We have it on the authority of his most intimate friend, that he took possession of his seat on the bench with extreme reluctance, being fully aware of his want of legal knowledge, and much fearing to do great public injury by his decisions. His subsequent notions touching the rights of his fellow creatures, and his opinions on questions of great import have proved that his fears were not ill-founded. Becoming daily more certain that the bench of the supreme court was not his proper seat, he resigned, and left it open to others better qualified. He retired to a plantation about ten miles from Nashville, to enjoy the fruits of his honest industry, and the proud consciousness of having acted right. For several years nothing occurred to interrupt his repose.

* Eaton.

What are called the laws of honor are more rigidly observed in the West than here, and though the practice of duelling can never have the sanction of good men, yet in particular situations many circumstances may palliate its turpitude. An individual only yields his right of self-redress for the benefit of society, on condition that the laws shall protect him when attacked. But where the state of manners and morals is such that a man is shut out from society for suffering an insult to pass unavenged, the law can afford him no compensation for the injury; and it has been alleged that he may defend his honor, or, in other words, his worldly reputation, with as much propriety as he may defend his purse and life against a highwayman. But this excuse can never serve the aggressor, or him who puts himself in the way of a quarrel. Whether this reasoning be just or not we leave to better casuists to decide, but certain it is that in the West, a man who declines revenging an affront, puts himself into the condition of an outcast. These remarks are drawn from us by a duel that took place between judge Jackson and a Mr. Dickenson, in 1806, in which the former, if he gave evidence of a high sense of honor, did not show much dignity or command of temper.

Mr. Dickenson was a promising young gentleman, much respected by the community. He was much addicted to horse-racing, as was judge Jackson; and the controversy grew out of a match between them for five thousand dollars. Mr. Dickenson lost the race and his temper together, and declared before the assembled multitude, that judge Jackson's rider had conducted unfairly. The judge, as sudden and quick in quarrel as the other,

on hearing this charge, declared that if any one accused his rider of foul play, he would make it a personal affair. Dickenson replied, that as he had never known his servant to be guilty of an untruth he must believe him on this occasion. Both were now highly excited, and an altercation ensued, in which decorum was slightly regarded, and which brought Dickenson a challenge from judge Jackson. It was accepted.

They met, and it was agreed that they should fight with pistols, at the distance of ten paces. The word was given, and the duellists both drew their triggers at the same instant. Dickenson's bullet grazed Jackson's body without doing him any injury. Jackson's pistol missed fire; and now, as he had had time to reflect, and had given sufficient proof of his firmness, and as his life was in no farther danger, he would have done well to wave his right to fire. But no such consideration withheld his hand. While Dickenson stood silently waiting the result, Jackson coolly cocked his pistol, took deliberate aim, and shot him dead.

This action excited the public indignation against judge Jackson, and his subsequent conduct was still more reprehensible. The death of his victim awakened general sorrow, and his memory was honored with testimonials of the respect of his fellow-citizens. Several of the inhabitants of the town requested the editor of the Nashville Review to dress the columns of his paper in mourning; but judge Jackson interfered to prevent it, and menaced those who had suggested the measure with his displeasure. This induced them to withdraw their request. It must be owned that this extension of enmity beyond the grave does our hero

no honor, and we see that his admiring biographers have passed the whole affair over in silence. So will not we; we begun with the intention of telling the truth, and we intend to tell the whole truth.

In the winter of this year, judge Jackson formed an acquaintance that has since subjected him to strong suspicion. It was with the famous conspirator, Aaron Burr. During the late electioneering campaign, the circumstances of this intimacy were partly brought to light, and an attempt was made to prove Jackson to have been Burr's accomplice. We give no opinion on the subject, but content ourselves with relating such facts, as have been established by unquestionable evidence.

Aaron Burr traversed the Western country in the summer of 1805, and had interviews with the principal men, general Wilkinson and others. He left Philadelphia in August the next year, and proceeded to Blannerhassett's Island, in the Ohio. Whilst he remained there, a series of very able essays appeared in one of the newspapers, under the signature of 'Querist.' In these papers, it was intimated that a plan was in operation to divide the Union, and the propriety of the measure was fearlessly discussed. The alarm spread like wild-fire, and Burr immediately became an object of doubt and terror. We believe the man who did this good service to his country, was general Street, lately appointed an Indian agent by president Adams.

Before the month expired, Burr proceeded to Kentucky, and, it is said, to Tennessee. On the 5th of November, he was presented to the grand jury at Lexington; but they could not find a bill. In the interim, Mr. Jackson became aware of

Burr's character and designs, and wrote a letter to governor Claiborne of New Orleans.* The language of this document was very ambiguous, much like that used by the gunpowder-plot conspirator to lord Mounteagle. It warned Claiborne of danger from a quarter whence it could not be expected, cautioned him to beware of general Wilkinson, and advised him to put New Orleans in a state of defence. Treachery, it said, was become the order of the day. This letter was in strict confidence. While our hero gave governor Claiborne these vague hints, he did not think it necessary to inform the president of his apprehensions.

In November, Burr was prosecuted again, but was acquitted early in December. On the 14th of the month he repaired to Mr. Jackson's house, where he was hospitably received and countenanced. Burr began to build boats for his descent to New Orleans; and it has been openly asserted in the '*Natches Ariel*,' that Mr. Jackson aided him with his purse. The editor of the said paper published the following paragraphs in relation to the subject.

'There is, or ought to be, in this city, an account current between the general (Jackson) and the colonel (Burr) showing the disbursement of large sums, and exhibiting a balance there due the colonel of two thousand dollars, or upwards.

'We distinctly recollect that an attorney, (since dead) the late Jonathan Thompson, was employed to bring suit against the general, on this account, when he (the general) was here in 1813, in command of the Tennessee volunteers. We also know a report was then current, that general Jackson had

* The letter has been published.

threatened ‘*to hang the attorney to the first tree, or highest tree,*’ if he attempted to arrest him on that account. We do not pretend to vouch for the accuracy of this report, but we do know the friends of the attorney were in the habit of quizzing him on this subject for some time after the general left this.

‘If we are not mistaken, this account current was rendered, and the balance struck before colonel Burr left the mouth of Cumberland river. After the scheme of the colonel proved abortive, the claim for the balance due by general Jackson was transferred by colonel Burr to H. Blannerhasset. Mr. Blannerhasset placed the claim in the hands of Mr. Thompson for collection. General Jackson’s offset was, that a bill or bills of exchange, drawn by Burr on his son-in-law, Mr. Allston, had been protested for non-payment, and that he, general Jackson, had to provide for them as endorser. It has always been supposed that general Jackson’s fortune was impaired by his connexion with Burr. How far that connexion was criminal, we will not pretend to say. The general’s biographer is silent on this subject. But we have not a doubt large sums of colonel Burr’s money did pass through general Jackson’s hands, and at the period too when colonel Burr was in the western country, organizing a few ‘*choice spirits tired of the dull pursuits of civil life,*’ for some purpose—what it was, we know not. We are unwilling to make any charge against general Jackson that is not fully sustained by facts and evidence. We give our impression of the connexion with Burr, as derived from surmises current here at the period to which we have referred, namely, the winter and spring of 1813.’

This statement of the Ariel is confirmed by the evidence of general Coffee, who in 1813 was summoned as a witness in a suit brought by Blanner-

nasset against Mr. Jackson, as the trustee of Burr. General Coffee swore, that Burr advanced Mr. Jackson upwards of three thousand dollars at one time, to defray the expenses of the expedition. Moreover, the account current in Mr. Jackson's hand-writing was produced in court. We leave our readers to make their own comments on the matters-of-fact and the surmises published by the editor of the *Ariel*, and turn to the testimony of judge Nathaniel Williams of Tennessee.

This gentleman asserts positively, and from his own knowledge, that Jackson and Burr were on the most intimate terms, while the latter was engaged in his treasonable practices. He says, that Mr. Jackson was aware of a plot to divide the Union, and publicly proclaimed it in his presence. He affirms, that Mr. Jackson encouraged him to accept a commission in Burr's army. Judge Williams is a man of known honor and integrity, and has attained a high and responsible standing in Tennessee. This disclosure had like to have cost him dear. Afterwards, in 1828, he was insulted and threatened with death on the judgment-seat of his own court at Winchester in Tennessee, by a mob of the Jackson party, led on by one Isaacks, a member of congress.

To resume the thread of our narrative. On the 14th of December, Colonel Burr took leave of Mr. Jackson, and descended the river. Then, and not till then, did Mr. Jackson despatch the letter above mentioned to governor Claiborne, by the hands of Mr. S. Hayes, his nephew, who accompanied Burr as an aid, or member of his family. This person told a gentleman with whom he had an interview on the river, that he was not abso-

lutely engaged with Burr, and that his course would be determined by governor Claiborne's advice, when he should have perused the letter.

Here ends the chain of evidence brought against Mr. Jackson. His friends plead, that he was deceived by Burr, and believed the expedition designed to act against Spain. Let our readers judge for themselves.

We are not aware what were Mr. Jackson's pursuits or avocations in the five years immediately succeeding. Perhaps the following anecdote will throw some light on their nature.

In 1811, the trade in human flesh being brisk in Tennessee, Mr. Jackson thought the time favorable to employ his superfluous funds to advantage. He accordingly repaired to Bayou Pierre, and purchased a drove of slaves, with which he started for Tennessee. He was obliged to pass through the Choctaw country, contrary to an order of the war department. When he arrived at the agency-house the agent was absent, but had left a substitute, duly authorized to require the passports of travellers. After Mr. Jackson had refreshed himself and his cattle, he was about to depart, when the person above mentioned desired to see his passport. He replied, that 'general Jackson needed no passport to travel through the Indian country.' The deputy rejoined that he did not know general Jackson from another, and that his duty was imperative. With that our hero, laying his hand on a pistol, significantly said, 'these are general Jackson's passports.' The young man was intimidated, and suffered the traveller to pass without further question.*

* See the letters of Messrs. Dinsmore and McIlhenny.

Mr. Jackson had previously engaged in several other speculations of the same kind, as has been proved by the testimony of several persons, whose names we could give were it necessary.

Mr. Dinsmore did otherwise excite the displeasure of our hero and other slave-drovers in a way which procured him a vote of thanks from the legislature of Mississippi. The manner of his offending may be learned from a letter which we give in the appendix, *verbatim, literatim, et punctuatim*. It was written as a formal remonstrance to Government, and presented as such to the secretary at war, who placed it on the files of the war department, where it remains to this day.^a

From that time till the declaration of war against Great Britain, judge, or more properly general Jackson, remained in obscurity. The day came at last which was to rouse Mr. Jackson from his repose, and set the best and worst traits of his character before the world in the strongest light. It will be remembered, that an act of congress, passed in February, 1812, authorized president Madison to accept the services of fifty thousand volunteers, and general Jackson saw in this law a way to make himself useful to his country. He addressed the militia subject to his orders, and the appeal to their patriotism was promptly answered. Twenty-five hundred brave men placed themselves at his command, armed and equipped for war, and being duly authorized, he assembled them at Nashville in December. The weather, for that latitude, was very severe, and the earth was clad in white; but the hardy backwoodsmen bore their hardships as patiently as the trees of their native forests. They descended the Mississippi in January, in

spite of cold and ice, to Natches. Much honor is due to their chief for his exertions to preserve their ardor unabated, and his endeavors to establish discipline among them. But as there was no appearance of war in the southwest, their services were not needed, and general Jackson received an order from the secretary of war to disband his troops, and deliver the public property in his possession to general Wilkinson. This order general Jackson thought fit to disobey, contrary to the advice of his field officers; thus committing a great military crime, and setting a most pernicious example. The remonstrance of general Wilkinson was of no avail, and he declared himself ready and willing to abide by the consequences. In spite of all opposition (and he had much to contend with), he broke up his camp, and marched his troops homeward through the forests, sharing their hardships, and setting them an example of patience and perseverance,* that we could not praise too much, had his exertions been in a good cause. At the close of the march, he disbanded his men, who returned to their respective homes. In a letter to the secretary at war, he attempted to justify his conduct by stating, that had he dismissed his forces on receiving the order, the sick would have suffered and many would have been compelled by want to enlist in the regular service. In fine, his conduct was approved, and the expenses incurred were paid by Government.

We here see the first example of that contempt of lawful authority, and that unconquerable obstinacy, which have been the most prominent characteristics

* See all the public prints.

of the man ever since. No circumstances can justify any officer in disobeying his orders, unless they militate against the laws, his honor, or his conscience. Least of all is such a course pardonable in a commander-in-chief, on whom it is incumbent to set a better example. We do not hesitate to say, that had general Jackson been shot for this mutiny, by the sentence of a court-martial, the punishment had not been disproportionate to the offence : many a private has suffered death for a less thing.

We imagine we hear our readers say, ‘What, nothing but a catalogue of offences ! Has this man never done any praiseworthy action ?’ Perhaps we shall come, in time, to some deed we can commend with a good conscience ; as yet we have seen little. We know little of Mr. Jackson’s private life, and can only judge him by well attested facts which have been published. We have collated and compared the matters adduced by his friends and foes alike ; we can truly say, that we have endeavored to come at the strict truth, and if that is not to his honor, we are grieved. We now come to another transaction, in which he had a share. To avoid confusion, we must first go back to its commencement.

Previous to the year 1800, one David Allison gave a mortgage deed for eighty-five thousand acres of land in Tennessee to Norton Pryor of Philadelphia, to secure the payment of a large sum due the said Pryor. Pryor made a bargain with a Mr. Anderson, whereby the latter became bound, in case the said land should be exposed for sale, to purchase it, for the benefit of both parties. In 1806, Anderson entered into an agreement with Mr. Jackson

to the following effect. 'Whereas Joseph Anderson hath made an agreement with Norton Pryor to cause to be foreclosed the equity of redemption upon a mortgage, &c. the said Anderson doth agree to let the said Jackson have the fourth of the said half of the eighty-five thousand acres, upon the terms which the said Anderson is to have it from said Pryor.'* On this condition Anderson was to have the benefit of Mr. Jackson's professional exertions. Be it said in passing, that in Massachusetts, our hero's part of the bargain would be called barratry, and subject him to prosecution.

On Mr. Jackson's application, the land was sold, and came into the hands of the parties concerned for less than a tenth of its value. Mr. Jackson received his part.

In 1806-7, several persons bought the land of Pryor and Anderson. Some of these were assured by Mr. Jackson, that the title was perfectly good in law. After the purchasers had been in possession several years, Mr. Jackson made a second purchase of the same lands of the heirs of Allison. It is said in his justification that Allison died in his debt. Whether that fact can excuse him for an attempt to dispossess those who had bought on the guarantee of his legal opinion, to the prejudice of those for whom he had acquired the property in the character of their attorney, we leave to those better versed in ethics and law than we can pretend to be. The facts remain the same. Mr. Jackson paid Allison's heirs five hundred dollars in hand, quitted claim for the sums due him, and received from them a conveyance of their right to the land.

* See the record.

Being obliged to descend to Nashville with the army, as before mentioned, Mr. Jackson was unable to pursue his claims in person, and therefore formed a partnership with two persons, namely, James Jackson and Jenkin Whiteside. The terms of the bargain were these; ‘Andrew Jackson covenants with James Jackson and Jenkin Whiteside to convey one third of all the lands, land warrants, &c. that may be secured, recovered, and redeemed, to the said J. Jackson, and another third to said Jenkin Whiteside.’ The ground assumed by Mr. Jackson to invalidate the title of those who had purchased from Pryor and Anderson was, that he had discovered that no legal process could authorize a sale of lands to which the Indians had not quitted claim, or made when neither of the parties lived in the State, though such lands might have been granted, and were within the chartered limits of a State. We confide implicitly in the soundness of this doctrine as far as it concerns the Indians. We wish, for the honor of our hero, that he had made the discovery in time to act the part of a faithful agent for Pryor and Anderson, and of an upright counsellor to those who asked his advice before purchasing. We wish he had retained his opinion touching the title to Indian lands to this day. It would have been better for our country, and for the Creeks and Cherokees.

Whiteside and J. Jackson commenced suits against the occupants for the recovery of the land. They were in number about a hundred, fathers of families and others. We cannot say that all of them were brought into this dilemma by Mr. Jackson, though if we did, we believe we should not exceed the truth. We do not know that all of

them consulted him respecting the title, but it is probable those who did advised the rest of his opinion. However James Jackson and Whiteside were not at first successful, nor was the business finally concluded till 1822. Not to interrupt our narrative, we will make an end of the subject here. Whiteside compromised with the occupants for a thousand dollars, and Mr. Jackson relinquished his claim for ten thousand more.*

The business may be summed in few words. John Doe employs Richard Roe to recover a large tract of land, and pays him a very large fee. Roe succeeds in the business, and informs his client that his title is perfect, that he may settle on the land or sell it. Doe, not being learned in the law, confides in the knowledge, honor, and honesty of Roe, settles on the land, and sells part to others. After Doe and those who hold of him have rendered the property ten-fold more valuable than at first, Roe discovers that he has done his duty ill; goes to Doe's former adversary, buys the claim he has pretended to have defeated, and does his best to eject and ruin his abused client! Ought any one to put faith in Roe afterwards? This was precisely the case of Andrew Jackson, Joseph Anderson, and Norton Pryor.

* The documents concerning these infamous transactions are on the records of Tennessee.

CHAPTER III.

Affray with the Bentons. Indian hostilities. Attack and massacre of Fort Mimms. Measures of the Tennessee Legislature. General Jackson assumes the command; his orders. The army reaches Huntsville. Scarcity of provisions. The army arrives at the Ten Islands of Coosa. Colonel Dyer destroys Littafutchee. Battle of Tallushatches. Fort Strother built. Other forces in the field. Distress of the friendly Creeks. The Battle of Tallageda. The army falls back. Famine. Mutiny. General Jackson's measures.

General Jackson's next remarkable action was one of the grossest and most outrageous violations of law and order ever heard of in a Christian land. He had had a quarrel with the celebrated colonel Benton, since one of his warmest partizans, and had threatened his life. It so happened that in September, 1813, this gentleman and his brother came to Nashville, and were immediately sought out and attacked by general Jackson, who came attended by four followers. Jackson began the battle by levelling a pistol at the colonel, when a general discharge took place on both sides, five shots in all. Daggers were then drawn, and a close conflict ensued, the two Bentons contending against five opponents at once. General Jackson received a pistol ball in his arm, and fell; the Bentons were each thrown down, stabbed in several places, and would have been murdered outright,

had not the citizens interfered and separated the combatants.*

One language only can be used with regard to this savage transaction : it was a deliberate attempt to commit a murder in broad daylight, in the most cowardly manner. It has never been denied by president Jackson's friends, and all endeavors to palliate it are ridiculous. Had the general never given any better proof of his courage than this, it would have been matter of doubt to this day. Yet his conduct passed unpunished and unquestioned, for encounters of this nature are not unfrequent in the West.

About this time the great tribe of Muscogeas, or Creeks, residing between the Chatahootchee and Tombigbee rivers, manifested hostility toward the United States. We cannot pretend even to guess their motives. Those who have lived on the frontier, and witnessed the mutual insults and injuries inflicted by the whites and Indians on each other will probably think the Creeks had some reason for their conduct. They had no historian to give an account of their deeds or motives, and we are therefore obliged to rely on their enemies for the facts relative to the war in which our hero played so conspicuous a part. This we may premise, that the natives have ever regarded the English with esteem, and ourselves with abhorrence. The existing war gave them a fair opportunity to evince their feelings. They began hostilities on the whole line of our southern and south-western frontier. It has been said, that the celebrated chief Tecumseh paid them a visit, and incited them to this course ; but this is

* See Thomas Benton's printed statement.

disputed. Be that as it may, it is certain, that the Muscogee tribe were enemies not to be despised. Their numbers and spirit made them formidable. In the summer of 1812, a war party butchered a family residing near the mouth of the Ohio, and shortly after similar outrages were perpetrated on the frontiers of Georgia and Tennessee. These acts, however, were not sanctioned by the Creek government, for on application to the chiefs, the offenders were summarily punished with death. Yet the sympathies of the nation were on the side of the sufferers, and all restraint was thrown off by the party inclined to war, which constituted a great majority of the Creeks. Incited by Wetherford, one of the principal chiefs, they painted their war clubs red, which was their mode of declaring war, and proceeded to the attack of Fort Mimms, in the territory of Mississippi. Wetherford took it by assault, and put its inmates to the sword, without distinction of sex or age. Seventeen of them only escaped.* By the laws of war, a place taken by storm, is at the mercy of the victor, and is spared or not at his pleasure. Such, at least, has been always the usage of civilized nations, and if the conduct of Wetherford on this occasion ought to blast his memory, there are few distinguished European generals, who should not be consigned to infamy for similar reasons.

The tidings of this massacre threw the entire State of Tennessee into a ferment. A body of the most influential citizens held a council, and having conferred with the governor and general Jackson, advised the former to send an armed

* Public prints.

force into the territory of the Creeks. The legislature immediately assembled, and passed a law authorizing the governor to raise thirty-five hundred men for the proposed campaign. In case the general government should refuse to pay them for their services, three hundred thousand dollars were to be raised for that purpose.*

By order of the governor, general Jackson, though yet suffering from a fractured arm, the consequence of his disgraceful affray with the Bentons, called out two thousand of the volunteers and militia of his division. To this force were joined five hundred horsemen, under colonel Coffee, who was authorized to add to his corps as many mounted riflemen as he could gather. He was ordered forthwith to proceed to the frontier, and take measures for its defence, while general Jackson should collect and organize as many as possible of his former army.†

When the troops had assembled, and arrangements for their subsistence had been made, general Jackson, being unable, from the state of his health, to join them immediately, sent an address to be read to them, in which the ground rules of military discipline were earnestly pointed out. The simplicity of his orders would excite our mirth, did we not know that they were addressed to men strangers to all restraint. Officers were forbidden to be drunk under penalty of arrest, and in privates the same offence was to be punished with imprisonment. No one was to sleep out of camp without permission, and the rest of his regulations were of the same character. Yet to those for whose use

* Proceedings of Tennessee legislature.

† Eaton.

they were intended, they appeared altogether too rigorous.*

On the 7th of October general Jackson joined his division, and learned that the Creeks had detached upwards of eight hundred of their warriors to fall upon the frontier of Georgia, while the remainder of their forces were marching upon Huntsville. On the 9th, therefore, he set his army in motion. They reached Huntsville that day, by a forced march, and on the morrow formed a junction with colonel Coffee's regiment, on the Tennessee river. Here they rested several days, during which general Jackson sent scouts to reconnoitre the Black Warrior river, a tributary of the Tombigbee, on which were several Creek villages. This delay was occasioned by the failure of an expected supply of provisions.†

While the army was thus inactive, a messenger arrived from Chinnaby, a chief of the friendly Creeks. He brought intelligence that Chinnaby's encampment, near Ten Islands, on the Coosa, was threatened by the enemy, and solicited relief. This information induced the general to march to Thompson's creek, a small branch of the Tennessee, where he had reason to believe he might be met by the expected supply. He was the more inclined to action, that the scarcity of provisions depressed the spirits of his half disciplined troops. But he was again disappointed, and his letters to different quarters, soliciting the desired aid, failed of their effect. Even the planters of the frontier, who had a vital interest in the success of his operations, neglected to assist the army contractors. In this embarrassing situation, another messenger from

* Eaton.

† Eaton.

Chinnaby arrived, to urge the necessity of an immediate movement, as the enemy was advancing upon him in great force. This information caused the army to move again.*

Near Ten Islands general Jackson was met by Chinnaby, who informed him that he was within sixteen miles of the hostile Creeks, who were assembled to the number of a thousand, to oppose his march. Hence colonel Dyer was sent with a competent force to attack the village of Littafutchee, on a branch of the Coosa. This done, the army set forward once more, and reached the islands of the Coosa without opposition, thus proving the report of Chinnaby to have been unfounded. Here colonel Dyer rejoined, having accomplished his object. He had burned Littafutchee, with little or no loss on his own side, and brought back with him twenty-nine prisoners, men, women, and children. The scouting parties now began to bring in prisoners, and cattle and corn taken from the enemy.

The first week in November, information was received that a considerable body of the Muscogee warriors had taken a position at the village of Tallushatches, on the opposite side of the Coosa. Colonel Coffee was sent to attack them at the head of nine hundred mounted men. He forded the Coosa under the direction of an Indian guide, and advanced on Tallushatches. The Muscogees were aware of his approach, and prepared to meet it as became men. They struck the war drum, sung the war song, and by their savage war whoop gave notice that they were prepared for battle. Within a mile and a half of the village colonel Coffee halted, divided his force into two bodies, and then

* Eaton.

advanced in such a way as to surround the enemy, who remained quiet in the buildings. Seeing this, the commander had recourse to a feint. He sent forward two companies to decoy the Indians from their cover. No sooner had these deployed into line in front of the village, and fired a few shots, than the savages boldly charged and drove them back on the main body, which opened a general fire and charged in turn. The Muscogeese retired, resisting obstinately all the way, till they reached their village, where they stood fast, and a desperate conflict ensued. The Indians did not ask quarter, and when shot down continued to fight on the ground as long as their breath lasted. Many of their wives assisted in the defence, and emulated the bravery of their partners. The Tennesseans revenged the slaughter of Fort Mimms, by slaying all the men, and some women and children. Not one of the savages escaped: their total loss in killed was upwards of a hundred and eighty, and eighty-four women and children were taken alive. On the other hand, five of the whites were killed outright, and forty-one were wounded.* This disparity of injury may be accounted for by several circumstances. The Indians were badly armed, many of them having no better weapons than bows and arrows, and all after the first fire relied upon their bows. They were to the Americans but as one to four, and their horses gave the latter a fearful advantage. In making these remarks we would by no means detract from the fame of colonel Coffee's troops, who displayed throughout a spirit and a unanimity that could not have been surpassed by regular troops. We do them no

* Coffee's Report.

wrong in shewing that they contended with a worthy foe.

When colonel Coffee had rejoined the main body, general Jackson resolved to build a fort and establish a depot at Ten Islands. The fortification was named Fort Strother.

It must be taken in view, that the force under general Jackson, was not the only one with which the Creeks had to contend. Generals Cocke and White were also in the field with the east division of Tennessee militia, and the military force of the State of Georgia was in readiness to move, under general Floyd. We have thought it necessary to mention these particulars, because the exploits of these troops have been so eclipsed by the brilliant operations of general Jackson's army as to be altogether forgotten. Indeed, we believe there are many of our fellow citizens, to whom it will be news to hear that any one had any part in the Creek campaign beside general Jackson. We are not writing a history of the Creek war, but the memoirs of general Jackson, and do not, therefore, detail the operations of those who labored to the same end, but to omit all mention of these facts, would be a dereliction from the duty we have undertaken.

On the seventh of the month, a courier arrived from Talladega, a fort of the friendly Creeks, thirty miles below, to request immediate relief, as they were in hourly danger of being utterly destroyed by the hostile party, who had assembled about them in great numbers. The general did not hesitate to march to their assistance, with all his disposable force, amounting to twelve hundred infantry and eight hundred mounted men. The

troops crossed the river that very night, each horseman carrying a foot soldier behind him, though the Coosa is here six hundred yards wide. The whole night was consumed in this operation, yet the army continued its march with unabated ardor, and by the next evening arrived within six miles of the enemy. At night, an express arrived from general White, with the news that that officer had not been able to move to the protection of Fort Strother, according to Jackson's desire, having received a counter order from general Cocke, to march to the mouth of Chatouga Creek. This intelligence, that his rear was left unprotected, caused general Jackson to decide on attacking the enemy without delay, lest by a change of their policy, his depot should be carried in his absence. Orders were given accordingly.

At four in the morning, the army moved, in order of battle. The infantry advanced in three columns, and the calvary followed, while the wings were protected by flankers. The advance, consisting of four companies, marched four hundred yards in front, under colonel Carroll. By seven, the army was within a mile of the enemy, and the columns deployed into line, while the cavalry made a circuit round the enemy's flank, so as to leave them small chance of escape.

About eight, the advanced guard, having approached a small thicket of underbrush, received a sharp volley. They returned it, and retreated upon the centre, according to their orders, it being the policy of the general to draw the Indians from their cover. The Indians, elated by this apparent success, raised the war whoop, and fell furiously on the left wing, tomahawk in hand. This move-

ment had nearly decided the battle, for several companies gave way before their onset, and the officer ordered by general Jackson to throw his troops into the gap, did not execute the command. The general promptly supplied their place with the reserve, which, with the assistance of the broken troops, who began to rally, checked the advance of the savages. The line now delivered an unbroken fire, and in fifteen minutes the Creeks gave way at all points and fled. The cavalry of the left wing made great slaughter of them, and numbers fell in the pursuit, which continued three miles. The troops behaved as might have been expected from the volunteers of Tennessee, and that is a sufficient encomium.*

In this battle, a thousand and eighty of the Creeks were engaged; of whom, three hundred were left dead on the field, and about as many more were slain in their flight. The loss of the Americans, was fifteen killed and nearly a hundred wounded, many mortally. The results of the action were, the relief of the friendly Indians at Talladega, an increase of confidence in themselves and their general on the part of the Tennesseans, and the contrary among the hostile Creeks.

After the battle, the scarcity of provisions and the defenceless condition of his rear, compelled general Jackson to fall back on Fort Strother, where the troops were soon obliged to endure the miseries of famine. A few cattle taken from the enemy, or purchased from the Cherokees, were their whole stock of provisions. In these circumstances, the

* For the minute particulars of this battle, see Eaton and the official reports.

general set his men a praise-worthy example of patience ; cheerfully covering his table with offals and acorns from the forest, that they might have the less reason to complain. But misery is intensely selfish, and all his efforts could not hinder his troops from feeling their hardships and expressing their discontent. There were some too among them, who had read that act of congress, which directs that no militia man shall be compelled to serve more than three months in any one year, after his arrival at the place of rendezvous. They were, therefore, desirous to break up the campaign and return home ; and some of their officers encouraged them in this disposition, and took part in their complaints.

General Jackson had his own interpretation of the law, and resolved that the troops should adopt it, right or wrong. He held that as the object of the campaign, to subdue the hostile Creeks, had not been attained, they were not entitled to a discharge, though the specified term of service had elapsed. When, therefore, the militia revolted openly, and were about to abandon the camp, he drew up the volunteers under arms, with orders to prevent their departure, even though it should become necessary to use force. Daunted by this display of resolution, the militia returned to their tents.

The volunteers had no heart to the business, and merely obeyed their general's orders, to divert his suspicions from themselves. They wished the militia success, and prepared to follow their example. The very next day they prepared to depart in a body, but it seems the general had foreseen their measures and prepared to traverse them. As they were about to leave the camp, the

militia turned the tables on them, expressing a fixed determination to obey the general's orders by enforcing their stay at the point of the bayonet. So well had Jackson contrived to make their mutual jealousies subserve his own ends. Thus situated, the volunteers had an option to remain, or to turn their weapons against their brethren in arms. They chose the former alternative. However, the complaints of the cavalry were not to be silenced ; their forage was entirely exhausted, and they had no prospect of obtaining more. General Jackson listened to their petition to be permitted to return home, and granted it, on condition that they would rejoin him when required.*

* See Eaton.

CHAPTER IV.

Discontent of the troops. Retrograde movement. Arrival of supplies. Firmness of general Jackson. Return to Fort Strother. The Hilla-bees. Quarrels between the general and his troops. Mutiny of lieutenant Kearly. The army breaks up. New troops arrive. Proceedings of generals Floyd and Clairborne. First battle of Emuckfaw. Second battle of Emuckfaw. Third battle of Emuckfaw. The army returns to Fort Strother.

Mutiny yet lurked in the tents of the volunteers ; and the speech delivered by the commander-in-chief failed to suppress it. Even his promise, that if the supplies should not arrive within two days, the forces should all march homeward together, had no effect. The volunteer officers resolved in solemn council, that nothing would prevent an instant and forcible desertion of their men, but an immediate march back to the settlements. The militia were not so decided ; but the general was, nevertheless, compelled to suffer a regiment of volunteers to leave the camp ; to which, however, they were to return as soon as they should have satisfied their most pressing wants.*

The two stipulated days elapsed, and the supplies had not arrived. The militia now required the general to redeem his pledge, and he could not with honor refuse. In the bitterness of his

* Eaton.

mortification, he exclaimed that if but two men would abide with him, he would never abandon the fort. Captain Gordon immediately offered himself, and succeeded in raising upwards of a hundred more, who were willing to remain and protect the position. Leaving this garrison behind, the army began its march homeward.*

Scarcely had the troops left Fort Strother twelve miles in the rear, when they were met by a convoy of the long expected commissaries' stores, a sight of all others the most unwelcome to them, though very delightful to their chief. He ordered them to return forthwith to Fort Strother, and was answered by a murmur that ran through the whole line. One company revolted at once, and were making off, when general Jackson intercepted them with a few followers, and threatened to fire upon them, if they should persist. He drove them back on the main body, where they communicated their feelings to their fellows. A whole brigade put themselves in an attitude to effect their escape by force and arms.

General Jackson now made a signal display of firmness and energy. He hurried to the front of the column with a musket in his hand, and declared he would shoot the first man who should advance. Two companies which still remained obedient, drew up behind him, and were commanded to enforce his orders. Thus braved, the courage of the troops gave way,—no one was willing to set the example of revolt,—and returning to order, they began their march back to Fort Strother.† We cannot commend the conduct of our hero on this

* Eaton.

† Eaton.

occasion, however much we may admire the military talents he displayed. The men were contending, not for a favor, but a right, secured to them by an express law ; nor was the country in such a situation as to require or justify an exercise of dictatorial power. It was the prelude to the lawless course pursued by general Jackson ever since, which has gained him the support of the designing and unthinking, and the disapprobation of the better part of his fellow citizens.

We turn with pleasure from these disgraceful quarrels between the general and his troops, to record an event that had a powerful influence on the subsequent proceedings of the Muscogeese. About the twenty-second of the month (November) a deputation arrived from the Creek tribes called Hilla-bees, to sue for peace. They had suffered severely at Talladega, and were now ready to submit to whatever terms the general might impose. He replied that they must restore the prisoners and property they had taken, whether from the whites or the friendly Creeks, and surrender the persons concerned in the massacre at Fort Mimms. With this answer the Hillabee ambassadors returned to their villages on the twenty-fourth of the month.*

That very night the Hillabees were attacked in their huts by the Tennessee militia, under general White. Sixty of them were killed, upwards of two hundred and fifty were made prisoners, and their villages were utterly destroyed. The officers of the eastern division, jealous of general Jackson's reputation, and unwilling to lend their aid to raise it, had refused or neglected to co-operate with him

* Official Documents.

throughout the campaign. Such is ever the harmony of militia operations. In this instance, the result is to be deplored. The Hillabees believed themselves assailed by Jackson, to whom they had offered his choice of terms, and from whom they had received a promise of amnesty. Under these circumstances, they concluded that peaceful conduct could not defend them from open force or treachery, and till the final cessation of hostilities they waged a war of extermination. In no instance did they ask or accept quarter.*

The clamors of the troops were by no means abated during their residence at Fort Strother. The want of food was indeed obviated by the arrival of sufficient stores, but they knew they were entitled to a discharge, and were resolved to have it, if possible. An incessant altercation was kept up between the chief and his followers, of which what has been already related may serve as a specimen. Remonstrances on the part of the troops were answered by speeches and threats from the general.† A letter to the governor of Tennessee for instructions, brought him advice to disband his troops, but he refused to comply—argued the point with his superior, and upbraided him in harsh and indecorous terms.‡ The troops at last gained their point; the general was compelled to make a virtue of necessity, in dismissing some of them, and general Coffee's brigade left him no choice. Thus he was at last deserted by almost his whole original army, and remained with only about thirteen hundred men of the eastern

* Eaton and others.

† Eaton.

‡ See the correspondence, which has been published.

division. The term of service of most of these also had nearly expired, and they claimed their discharge as due on the fourteenth of December.* We forbear the details of all these miserable struggles between might and right. General Jackson certainly made extraordinary efforts, and it is charitable to believe that he was actuated by a love of his country, while acting in opposition to her laws. The events of this campaign may teach one lesson; they serve to show that militia can never be depended on, but during the short period of a popular excitement.

The governor of Tennessee was more affected by general Jackson's difficulties than by his reproaches, and set earnestly about applying a remedy. He ordered a levy of twenty-five hundred men from the second division, to assemble at Fayetteville on the twenty-eighth of January, to serve for a period of three months. General Cocke was also required to furnish his 'quota. General Roberts brought two hundred men to Fort Strother, but these stipulated that they should be discharged at the end of three months. Nevertheless, fearing the arbitrary disposition of general Jackson, they immediately broke up and deserted to a man. Orders were immediately issued to pursue and apprehend them, and finding themselves likely to be compelled, they returned without further ado.†

The time had now come when those of the militia who had remained in service, claimed to be discharged, and they declared their determination to return home, whether their claim should be allowed or not. General Jackson, therefore, con-

* Eaton.

† Eaton and others.

trary to the advice of governor Blount, issued an order forbidding all persons under his command to leave the camp without his written permission, on pain of death. The order was disregarded. The officer of the guard, lieutenant Kearly, and all his sentinels, left their posts, and the officer refused to surrender his sword or submit to arrest. He formed his company, and was about to march them homeward, when a company arrived to stay his proceedings. Kearly prepared to fight his way through all opposition, and his company would have seconded him, had not general Jackson instantly repaired to the spot. He presented a pistol to the subaltern's breast, compelled him to give up his weapon, and placed him under guard. But on his submission and repentance, Kearly was released from arrest and again received into favor. While this was going on, the rest of the brigade left the camp and proceeded toward home, leaving behind them but a single regiment of militia, whose time had nearly expired. The general sent a written address after them, but it did not bring back one individual.*

In the meanwhile, the Muscogees were sustaining reverses calculated to depress their spirits and facilitate future operations against them. On the 4th of December they were defeated by the Georgia militia, under general Floyd, at Autossec, a town on the Talapoosie river. The strength of eight several towns had been gathered for the defence of this spot. Upwards of two hundred of the savage warriors were slain and two villages were destroyed. General Clairborne also des-

* Eaton.

stroyed the town of Eccancacha, and routed its defenders with loss, on the 1st of January, 1814.

On the 13th of January, eight hundred and fifty of the newly raised Tennessee volunteers, arrived at Fort Strother. They had agreed to serve for sixty days only, and no persuasion could induce them to extend the term. They were organized in two mounted regiments. Two days after, these troops took up the line of march for Talladega, followed by general Jackson with his staff, an artillery company, three companies of foot, and a company of volunteer officers, nine hundred and thirty in all. At Talladega they were joined by two or three hundred friendly Creeks and Cherokees. With this force, the chief directed his march to Emuckfaw river, where he was advised that a large body of the enemy had collected. On the night of the 21st he encamped within three miles of them.*

At day-break the next morning, the Creek warriors drove in the sentinels, and vigorously charged the left flank. The assault was bravely given, bravely received, and the battle was maintained with great spirit on both sides for half an hour. When light broke, a general charge forced the Muscogeas at every point, and as the Indian allies joined in the pursuit, the slaughter was considerable. General Coffee was then despatched with four hundred men to destroy the Creek encampment, but found it too strong and too well garrisoned to render the attempt prudent. He therefore returned to the camp.

Half an hour after his return a party of the

* Official Reports.

enemy attacked the picket guard on the right flank, as a feint to draw the attention of the whites thither, and thus make them expose the left wing. The savages were disappointed. General Jackson ordered general Coffee to defend the right with the assistance of two hundred of the Indian allies, and repaired himself to the left wing. The shock of the enemy here was sudden and violent, but it was sustained with a gallantry not to have been expected in raw recruits. The Creeks maintained the battle after the fashion of their ancestors, availing themselves of every cover afforded by the broken ground, lying down to load and rising to fire. After a few volleys, the left wing again charged, the Muscogees again fled, and were again pursued ; but in the mean time, general Coffee was hard pressed, the Indians directed to aid him, having mistaken their orders. By some misapprehension not explained, only fifty men followed him to repel the first attack, and he found the enemy posted to great advantage. They occupied a grove of pines intermingled with brushwood, forming as good a cover as an Indian warrior could desire. He ordered his men to dismount and charge them, and they were driven to the bank of a stream, where they concealed themselves among the reeds, whence he could not dislodge them. He then retired, and the Indians again emerged from their cover, and engaged him on more equal terms. Happily for him, their number was not great, and he was able to stand his ground till general Jackson ordered Jem Fife, the chief of the friendly Creeks, to go to his assistance with a hundred and fifty warriors. It was promptly done. General Coffee and the Creek chief charged in

concert, and the enemy broke, losing forty-five men in the charge and pursuit.*

Having buried the dead and cared for the wounded, the camp was fortified; for the Muscogee operations had been so well planned, and they had fought with so much determination, that there was reason to believe they would not let the matter rest thus. No attack occurred during the night, and in the morning the army commenced its retreat to Fort Strother. Through the day they were not molested, but the spies reported that the enemy hovered on the flanks and rear. This induced the chief to believe he should be attacked in the night, or that an ambush would be prepared for him. Nevertheless, this night also passed without alarm.†

There was a defile in front between two hills where a small stream was to be crossed, a place every way fit for an ambuscade, and admirably adapted to the peculiar warfare of the Indians. To avoid being taken here at a disadvantage, the general resolved to pass the stream at another ford, where there was nothing to obstruct the evolutions or fire of his troops. Before the enemy was aware of this change of route, the advanced guard, the wounded, and a part of the centre division had crossed the stream. The single piece of artillery had just entered the ford when the battle cry of the Muscogees was heard behind, and the rear guard was charged. The general had taken his measures to repel such an assault wisely. The rear column had received orders to stand fast, while the right and left column should wheel on

* Official Reports.

† Eaton.

their pivot, recross the stream above and below, and fall upon the flanks and rear of the enemy. For once, he had overrated the firmness of his men, and this had like to have been the last of his battles. The rear guard gave way, on receiving the attack, and retired upon the rear division, the right and left columns of which broke in confusion, drawing with them a part of the centre column. Twenty-five men only maintained their ground, while an appalling confusion and consternation pervaded the rest of the army. In such circumstances, it is indeed wonderful that the whole army was not utterly destroyed.

The enemy's balls fell thick and fast on the American ranks. Captain Hamilton had fallen, captains Bradford and McGavock were down, lieutenant Armstrong of the artillery had but life left to beg his men to save his cannon, and many more of inferior degree gave up their lives here. The Muscogeas were swarming like bees to the attack, and there were none to withstand them but the left wing, the artillery men, a company of spies, and the few that remained of the rear guard. The artillerists ascended the bank with the most determined obstinacy, loaded their gun under a shower of lead, and sent repeated charges of grape among the savages. The company of spies turned the left flank of the enemy, and frustrated a charge they were about to make on the cannon. Many instances of individual bravery occurred in this close and desperate conflict, in which the spies and artillerists earned all praise. They kept the enemy at bay, while the general, by dint of strenuous exertion, restored order in his broken ranks. The Musco-

gees at last fled, throwing off all incumbrances that could retard their flight.*

In these three several battles, the Muscogees fought with a courage worthy of a better fate, and their loss was accordingly severe. One hundred and ninety dead were found on the fields they abandoned; and if we consider that no thorough search was made, and that it is the practice of Indians to carry off and conceal their slain, we must believe the number of their killed was double what it appeared. Their spirits were depressed by the success of this sanguinary onslaught, and they did not further harass the army on its return to Fort Strother. Shortly after, they attacked general Floyd, but were repulsed with considerable loss.†

* Official Report.

† General Floyd's Report.

CHAPTER V.

Discharge of the old and arrival of new troops. Mutiny. The army marches. Tohopeka or the Horse-Shoe. Battle of the Horse-Shoe. Butchery. Humanity of general Jackson. Attempt on Hoithlewalee. The Muscogees sue for peace. Terms granted them. Wetherford; his speech. The army is disbanded.

General Jackson, having now terminated this triumphant campaign, and hearing that new troops might soon be expected from Tennessee, where the news of his success had had much effect, dismissed his troops without wrangling. He was rewarded for his forbearance on the 6th of February, by the arrival of the thirty-ninth regiment of Tennessee militia, about six hundred strong. General Cocke was also enabled to furnish about two thousand men. These troops, with others, amounting in all to five thousand effective men, assembled at Fort Strother on the 14th, just in time to witness the execution of a militia man for an alleged mutiny,* an example certainly not altogether thrown away on such troops.^d

A disgraceful scene of insubordination and tumult was soon exhibited in the camp, notwithstanding. Supplies were not received, the troops began to be mutinous and disorderly; and to cap the climax, no less a man than a major-general excited

* His guilt has since been disputed.

them to revolt. This was general Cocke, who it appears was jealous of the increasing fame of general Jackson, and wished nothing so much as to arrest the intended campaign. He mixed with the men, told them they were illegally drafted, and offered to discharge them if they would escape as far as Knoxville. A drum was at one time beat in the camp for deserters, and when at last our hero issued orders to arrest any apostle of mutiny who might be found in his camp, without regard to his rank, Cocke saved himself by a retreat.* Having at last, by unremitted exertions, overcome all obstacles, general Jackson led his troops to Tohopeka, or the Horse-Shoe, on the 27th of March. This was the town from which the Muscogees sallied to the battles of Emuckfaw, and which was, it will be remembered, reconnoitred by general Coffee on the 22d of January. If he found it then so strong as to bid defiance to attack, it was more so now. Since the Emuckfaw campaign, the Creeks had rendered it as formidable as their skill and means would permit, and had mustered their remaining warriors in its defence. The place was naturally very strong. Here the Tallapoosa river makes a great bend, in the form of a horse-shoe, from which its Indian name is derived. The peninsula was only to be entered by land, over a neck three hundred and fifty yards wide. To bar this they had erected a stubborn barrier, a parapet formed of trunks of trees, and pierced with a double tier of loop holes for small arms. This barrier curved inward, so that the approaching foe must necessarily have been exposed to a dreadful

* Eaton.

cross fire from within. On this occasion, the Muscogees were advised of the coming of general Jackson, and had collected upwards of a thousand fighting men.

Determined (to use his own language) to exterminate them, he despatched general Coffee with the mounted men and the friendly Indians to cross the river, surround the peninsula, and prevent the escape of any by water. Coffee had also orders to divert the attention of the Indians from the principal point of attack. The rest of the army took a position in front of the Creek rampart, and the artillery were planted on a hillock two hundred yards from it. A constant fire was then opened, while the small arms were employed whenever an Indian showed himself behind the bulwark. This continued two hours, with little effect, when a part of the detachment under general Coffee re-crossed the river, set fire to some of the buildings on the peninsula, and, advancing toward the barrier, attacked the enemy's rear. The order for the charge was then given and executed. The troops made their way to the barrier under a heavy fire, steadily and in good order. The resistance was desperate, each side disputing the possession of the parapet hand to hand. Major Montgomery was the first to mount, and was shot dead on the spot. Animated by his example, the troops rushed up the ascent, and drove the savages before them. These, covering themselves with the brush and timber of the peninsula, kept up a galling discharge till they were dislodged at the point of the bayonet. Their case was now desperate; they had resolved to surrender at no rate, and their only chance of escape was in crossing the river in the front of general

Coffee's troops. Thus hemmed in, some leaped down the river bank, and concealed themselves among the rocks, while others took refuge in the west angle of their rude fortification, behind heaps of brush. From these situations they continued to resist.

General Jackson was now satisfied, and was willing to spare the poor relics of the gallant tribe at whose expense he had won so much honor. He ordered an interpreter to advance and offer them quarter, but they refused it and fired on the flag. The interpreter received a severe wound. The artillery was then turned against them, but in vain; a charge was made, which was valiantly met, and many of the whites were slain, but the savages were finally driven from the angle before mentioned. Fire was then thrown over the cliffs, which consuming the trees and brush, brought the poor wretches in view. Still they refused quarter, and were shot down from both sides of the river. Thus the slaughter continued till night put an end to it, and the few survivors swam the river, and escaped in the darkness.*

The attack of general White on the Hillabees after terms had been granted them, had destroyed the confidence of the Creeks in the whites; but not to this wholly was owing their obstinate bravery. It is the characteristic of their race. In this instance they had resolved to conquer or die, as was made manifest by their having kept their women and children with them. Five hundred and fifty-seven of their best and bravest perished on this fatal field of battle. Most of them fell manfully fighting

* Eaton and Jackson's Report.

for their hearth-stones ; but a considerable number were destroyed by general Coffee while endeavoring to escape by swimming. The vilest deed, and that which will forever remain a dark stain on the character of our hero, remains to be related. Humanity shudders to tell, that on the morning after the battle, sixteen Muscogees were dragged from their hiding-places, and butchered unresisting, in cold blood, with his knowledge and approbation. Two hundred and fifty prisoners were taken, of whom three only were males.*

Another anecdote presents general Jackson in a more amiable light. We give it on the authority of major Eaton. Seeing a male infant clinging to the cold bosom of its dead mother, he caused it to be brought away, and afterwards carried it to Tennessee. When it had arrived at a proper age, he bound it apprentice to a saddler.

General Jackson sank his dead in the river to prevent the enemy from stripping and scalping them, and marched back to Fort Williams. He was of opinion that the Muscogees were not yet sufficiently humbled ; but as his force was now much reduced by sickness, discharges, and loss in the late battle, he was desirous to effect a junction with the Georgia and North Carolina forces. To this end he started with his troops on the 7th of April for the Tallapoosa, intending on his way to attack a body of Muscogees at a town called Hoithlewalee, near the Hickory Grounds. He expected the troops of Georgia to co-operate with him, and sent word to their commander that he should reach and fight the enemy on the 11th. A

* Eaton, and Jackson's Report.

great quantity of rain fell, and retarded his march, and when on the 13th he arrived at Hoithlewalee, he found a small stream lying between his army and the town so swollen as to be impassable. This gave the Indians an opportunity to escape, which they did the more easily that the Georgia troops had not arrived. They did not fly so fast, however, but that twenty-five were made prisoners.

Many of the Muscogee chiefs now came to sue for peace. The battle of Tohopeka had wholly broken their spirits and power. They had been defeated in every engagement, and their prophets, who had kept their hopes alive by the agency of superstition, had all been slain. Their conduct and courage had uniformly been exerted in vain. Without detracting from the merits of their conqueror, we may assign other causes than his generalship for such a succession of disasters. It seems, that excepting in the three battles of Emuckfaw, the Creeks abandoned the ancient warlike policy of their nation. Instead of carrying on the war in detail, harassing the invading army, and picking off every man that strayed from the ranks, they ranked themselves in battle array, risked general engagements, and trusted wholly to their valor. But this, however determined, could not supply the lack of discipline. It is true, the Tennessee troops had little themselves, but that little was always called into use in the hour of strife, and gave them the advantage. They acted with better concert than the savages, whose order of battle was always loose, and who could only oppose individual efforts to a charge. In every battle, too, the whites were superior in numbers, and better armed than the Indians. Moreover, much was done to bring

about a successful termination of the war by general White, and the troops of Georgia under general Floyd. We mention this that every one may have his just share of honor. In the Creek war the troops of Tennessee did well, exceeding well; but they did not do all. All circumstances considered, the gallant and long protracted resistance of the Muscogees is more marvellous than their successive defeats. As to general Jackson, it is not surprising that he vanquished the enemy in pitched battles; such has been the result of every action between the white and red man, on equal terms; but keeping together such materials as composed his armies, in want and sickness, even in opposition to the law, commanding and enforcing obedience, required energy, courage, decision, and the talent of command. He is fairly entitled to all the praise due to these qualities. So much we may say without disparagement to the backwoodsmen. It is true that they are turbulent, self-willed, and impatient of discipline, but they are hardy, high-spirited, brave to desperation, and well skilled in the use of arms. In these particulars they are surpassed by no people on earth. The laurels, then, of the Creek war are, in our opinion, the greenest general Jackson has won.

To the submission of the Creek chiefs our hero replied, that if they would repair north of Fort Williams, and there remain tranquil, no other proof of their peaceful intentions should be required. He then marched on Toulossee, on the river Coosa, where the belligerent chiefs were daily arriving, in order to treat for peace on any terms. They all agreed that those who were still opposed to peace, had fled to Florida. Jackson repeated to

them what he had said before, and to test their sincerity, he desired them to bring Wetherford into his camp as a prisoner. This man was a brave, high-minded chief, devoted to the interests of his tribe, and sensibly alive to its wrongs, real or fancied. He it was who instigated the war. He took Fort Mimms, and afterwards commanded at Emuckfaw and Tohopeka. History cannot show a truer patriot, or a more heroic warrior, than this brave barbarian. The only error of his policy was in miscalculating the relative force of the whites and his own nation. But having made his decision, he fought his ship of state to the last plank, and if he did not sink with her it was from no lack of courage or fortitude. When he heard of general Jackson's demand, he did not wait to be arrested, but boldly sought the American camp, and presented himself before the conqueror. The general sternly remarked, that he was astonished at his assurance, remembering as he must, the part he had acted at Fort Mimms, and for which he deserved death.

'I am in your power,' replied the undaunted chief. 'Do with me as you please. I am a warrior. I have done the whites all the harm I could. I have fought them,—bravely. If I had an army I would yet fight to the last; but I have none. My warriors are all gone, and I can now only weep for the misfortunes of my people.'*

There was something in this manly and pathetic address that struck a sympathetic chord in the bosom of our hero. He said to Wetherford that he did not solicit him to lay down his arms, but

* Eaton.

that he already knew the way in which his tribe might obtain grace. If, however, he were still willing to contend, and prepared to meet the consequences, he was at liberty to retire and join the hostile party. Doing this he might expect death, if taken; but if he were indeed desirous of peace, he might remain where he was, assured of protection.*

‘I do indeed desire peace,’ said Wetherford. ‘I ask it that the sufferings of my people may cease. We have suffered sorely in the war, and our wives and children must die of famine if it continues; for our cattle and corn are wasted and destroyed. You may well speak so to me now. There was a time when I had a choice, and could have answered you. I have none now,—even hope is departed. Once I could cheer my warriors to battle,—but I cannot animate the dead. They can no longer hear my voice; their bones are whitening at Tallageda, Tallushatches, Emuckfaw, and Tohopeka. I have not surrendered myself thoughtlessly. While a chance of success remained, I never left my post or asked for peace. But my warriors are gone, and I now ask it for my nation and myself. I look back on the misfortunes and miseries of my people with the deepest sorrow, and wish to avert further calamities. If I had been left to contend with the Georgia army alone, I would have raised my corn on one bank of the river and fought them on the other; but you have destroyed my nation. You are a brave man, and I rely on your generosity. You will exact no terms of a conquered people but such as they should accede to: whatever they may be, it would be folly and madness to oppose

* Eaton.

them. If they are opposed, you will see me among the sternest enforcers of obedience. Those who would still hold out, can only be actuated by a mean spirit of revenge. To this they must not, and shall not sacrifice the last remnant of their country. You have told us where we may go and be safe. This is a good talk, and they ought to listen to it. They shall listen to it.*

The earnest eloquence of the bold chief was not thrown away upon general Jackson. He granted him his fullest confidence. The Creek allies were reconciled to him, and he left the camp to seek his followers and friends in order to persuade them to give up the hopeless contest.†

Parties were now sent out to enforce submission, but they were needless. The few Creeks who still remained hostile, had indeed retired into Florida. Such of the Muscogees as had joined the Americans against their brethren were now disposed to wreak their fury on the vanquished party, especially those who had been present at the massacre of Fort Mimms. On one occasion, they destroyed a small party who were on their way to the camp, with the intention of submitting. General Jackson took measures to remedy these disorders, and having established a line of posts from Tennessee to the Alabama river, marched his troops home and discharged them.

* Eaton.

† Eaton.

CHAPTER VI.

Mr. Jackson appointed a major-general. Negotiation with the Muscogees. Correspondence with governor Manriquez. General Jackson invades Florida; takes Pensacola. Barrancas destroyed. The troops evacuate Florida. General Jackson repairs to New Orleans. Measures of defence. Arrival of the enemy. Capture of the flotilla on Lake Borgne. Conduct of the people of Louisiana. General Jackson proposes to suspend the right of *Habeas Corpus*. Reply of the Legislature. Proclamation of martial law.

The successes of general Jackson attracted the attention of the nation, and in the latter part of May he received a major-general's commission in the regular army. It was promptly accepted.

Since the conquest of the Muscogees no treaty had been made with them by which their future conduct might be regulated. The first service our hero was required to perform in his new capacity was to negotiate a peace with them, in which he was to prescribe the conditions as to a conquered people. In this treaty, which was held on the banks of the Alabama about the middle of August, the Muscogees promised to hold no intercourse with foreign emissaries, or with British or Spanish garrisons; to allow to American citizens a free navigation of all their waters; and to allow no agent or trader to come among them, unless sanctioned by the legal authorities of the United States. They were further required to cede a large portion of

their territory; but to this article they made a vehement opposition. They were aware that it would preclude the possibility of their existence as hunters. General Jackson would listen to no remonstrance, and they were compelled to yield their lands west of the Coosa, which now form the greater part of the State of Alabama. The chiefs of the friendly Creeks also proposed that two tracts of land should be reserved for two individuals to whom they were attached, and another for general Jackson himself, in token of their gratitude for the protection he had afforded them during the war. The general forwarded the article to the Government, and recommended its adoption, telling the Creeks that if it should be admitted, 'the president might if he would' apply the value of his part to the relief of those Creeks who had suffered most in the war.* The senate never sanctioned the proposal, and the president was consequently deprived of an opportunity to prove his regard for the distressed Muscogees.

Now comes a part of general Jackson's career, in which his ignorance of and disregard for the laws of nations were made shamefully manifest. The Creeks, who had not agreed to the national capitulation, were about Pensacola and on the Escambia river. It was alleged that they were dangerous to the American frontier; whether truly or not we have no means to determine. At any rate they were suffered to remain undisturbed by the Spanish authorities, and received comfort and countenance from them. In this the governor of

* Minutes of the treaty by colonel Hawkins, which do not agree with the account Mr. Jackson himself gave his biographer.

Florida was not singular. The same policy has been, and still is observed by the British and American governments toward the Indians near their common boundary, who are furnished with arms, &c. on both sides. The system did not meet the approbation of general Jackson, whose wrath, moreover, against the fugitive Creeks was not yet assuaged. He wrote to the secretary of war for authority to take possession of Pensacola, but received no encouragement, or more properly no answer. His choler was farther aggravated by hearing that a British force had been permitted to land in the bay of St. Rose. Forthwith he addressed a peremptory letter to governor Manriquez, demanding that the hostile Indian chiefs should be delivered into his hands.* By what right? If these men had taken refuge in France or Spain the laws of hospitality and of nations would not have justified those powers in delivering them up; and why should those laws be less obligatory on a colony than the parent country?

The answer of the Spanish officer urged these considerations, and demanded if Mexican insurgents were not received in the United States, and there suffered to plot and act against the government of Spain. The analogy was perfect. As to having suffered British subjects to distribute arms among the Indians, he justified it, on the ground that the obligations of a treaty between Great Britain and certain Muscogees had devolved on Spain. The pirate La Fitte, he also urged, brought Spanish vessels into the ports of Louisiana, and there sold them and their cargoes without let or molestation.

* Eaton.

It seems from this, that the cause of complaint was as much on the side of Spain as on that of the United States. The arguments of governor Manriquez were not easily to be answered; and the tone of general Jackson's rejoinder, proved that he found them so. He threatened to pay the governor a visit, and entreated him not to consider him a diplomatist, 'till he should have proclaimed himself such at the mouth of his cannon.'* It is probable that governor Manriquez, if he had at first considered him such an official, was now convinced of his mistake by our hero's want of knowledge and dignity.

After the failure of the attack on Fort Bowyer, which it is no part of our plan to describe, the British fleet put into the harbor of Pensacola to refit.† As Spain and Great Britain were then at peace, governor Manriquez was surely justifiable in receiving them. We should hardly have thought such a remark necessary, if the fact had not been made a subject of complaint by our hero. Indeed, that learned Theban major Eaton, says that in this Spain put herself in a belligerent attitude, and deserved to be treated accordingly. The general wrote again to the secretary of war, to urge the necessity of advancing on Pensacola, but no answer was returned. He then resolved to take the responsibility on himself, and sent his adjutant-general to Tennessee, with orders to raise volunteers. General Coffee contributed his aid, and on the 28th of September, arrived at the place of rendezvous with two thousand men. The adjutant-general was also successful in his levies, and a considerable body

* See the Correspondence. † Annals of the late war.

were collected from the forts established by general Jackson in the conquered Muscogee territory. The whole joined the general near Mobile, and made, together with the regular troops and Creek allies, upwards of three thousand men.

General Jackson immediately took up the line of march for Pensacola, which he reached on the 6th of November. If this measure, setting aside what followed, was not equivalent to a declaration of war against Spain, on the responsibility of one unauthorized individual, then have we a wrong view of the subject.

The Spanish governor was advised of his approach, and had taken measures, in conjunction with the British forces there present, to resist. The forts commanding the town were manned, batteries were laid in the principal streets, and the British vessels were moored in the bay, so as to command the approaches to the town. The American general paused for a moment.

He sent major Piere with a flag to Fort St. Michael, to explain the object of his visit. The Spanish garrison fired on the gallant major, and compelled him to retire. The general was then obliged to send his letter by a Spanish prisoner he had taken the day before. Governor Manriquez answered that he was willing to listen to any overtures, and at midnight, Major Piere was again sent to assure the Spaniards of the friendly and peaceful intentions of his chief, and to demand the surrender of Pensacola and its forts within an hour, on pain of storm and massacre. The answer to this very friendly and pacific proposal not being satisfactory, general Jackson prepared to put his threat in execution.

It had been expected in Pensacola, that he

would approach by the road on which he was encamped, but he did not so. In the morning early, five hundred men were ordered to show themselves in this direction and amuse the enemy, while the rest should make a detour and gain the town at another point. The stratagem succeeded completely; the troops entered the town without being annoyed by the fire of the British vessels, and captain Laval's company instantly charged and carried a Spanish battery in the street. The inhabitants fired on the troops from their windows, and the conflict raged, always to the disadvantage of the Spaniards, till the governor, remembering Jackson's threats and fearing a general massacre, hastened, with a flag of truce, to capitulate. He granted all the demands that had been made without reserve. Some difficulties occurred touching the surrender of Fort St. Michael, but it was given up the next morning. On receiving the surrender of the place, general Jackson promised that it should be restored to Spain, as soon as that power should be able to maintain her authority better.

The fort of Barrancas was fourteen miles distant, and the troops were moving to reduce it, by force if resisted, when a terrible explosion arrested their march. The commandant had blown it up, and the British fleet retired from the bay. The Indians finding that a neutral territory was no protection for them, fled to the Apalachicola, where they concealed themselves.

The loss of the Americans in this affair was very trifling; fifteen or twenty were wounded, but none killed. General Jackson immediately restored all he had taken and returned to Mobile with his army. Thus ended this wretched campaign, in

which no object was attained, unless some bloodshed, much injury, and a stigma on the American name be considered such. But this, according to general Jackson's panegyrists, was 'carrying his arms where he could find his enemies.' On the same broad principle, he might have carried them to any port in Europe where a British ship, or an Indian fugitive could be found. Further comment is needless.

Being now satisfied that an attempt would be made on New-Orleans, general Jackson put Mobile in a state of defence, and started for the Mississippi on the 22d of November. He arrived in New Orleans on the first of the next month, and established his head quarters there. He daily expected the militia of Kentucky and Tennessee, than whom no troops ever were braver, though they were ignorant of discipline and indifferently armed.

We must be brief in relating the measures taken by our hero for the defence of the place. He reviewed the city volunteer companies, improved the capacity of Fort St. Philip lower down, and cut down the woods that might have obstructed the fire of its batteries. He caused a strong battery to be thrown up on the site of old Fort Bourbon. Another work was constructed a mile above Fort St. Philip. These fortifications completely commanded the river for two miles. At and near Terre aux Bœufs, twelve miles below the city, two more batteries were erected, completing the line of defence in that direction.

At the Rigolet, the Fort of Petite Coquille, commanded the passage. It was believed, too, that commodore Patterson, with the gun-boats, would

be able to repel any attack here. Scarcely were the general's preparations complete, when the English fleet appeared off Cat and Ship Island, near the American lines. We beg our readers to consult the maps of New Orleans and its vicinity, which are abundant, and so spare us the dry task of describing the localities more minutely; neither shall we need to give the lesser details of the subsequent operations, as they have been described in at least a hundred thousand newspapers, to the great prejudice of the American people.

On the 13th, one of the American gun-boats on Lake Borgne, was attacked by the enemy; her commander blew her up, and escaped with his crew by land. The next day, the whole flotilla was attacked at the Rigolet, the passage between lakes Borgne and Ponchartrain, by the British forces, which came on in forty-three boats. They were in all twelve hundred men. After a gallant defence of an hour's duration, the gun-boats were all captured, and the enemy returned to their shipping with their prisoners. One obstacle to their approach to New Orleans was now removed; but to remedy this disaster General Jackson ordered a battalion of negro troops to post themselves on, and defend the road between the head of Lake Borgne and New Orleans. Men and several pieces of cannon were also sent to Bayou St. John, on Lake Ponchartrain, and directly opposite the city, where it was feared the enemy might land.

In the mean while, the Louisianians zealously co-operated with general Jackson, and a levy *en masse* of the inhabitants took place. The negroes volunteered their services. Even the old men organized themselves into companies. The French

citizens in particular were not backward. The Legislature put sixty-five thousand dollars into the general's hands to be expended on fortifications, &c. ; every page of its journals contains some proof of its patriotism. Nevertheless, one part of its proceedings displeased our hero much. Many of the Louisiana volunteers, when they offered to put themselves under his command, made it a condition that they should not be required to march out of the State. Contrary to his expectation and request, the Legislature justified their conduct, as indeed the demand of their obedience without restriction, was illegal, unnecessary, and oppressive. Moreover, the general had received private intimations that the city contained many spies, traitors, and dangerous and disaffected persons. As none of these were ever pointed out, and as there is not the slightest proof of any treasonable act, we must believe his information was erroneous. Yet, with a view of getting the whole population of Louisiana into his sole power, he proposed to the Legislature to suspend the right of *Habeas Corpus*.*

There may be some who do not understand how the rights of the citizens were to be affected by the measure thus proposed. For the information of such, we say that the writ of *Habeas Corpus* is a privilege that any citizen may demand when imprisoned, whether by authority or without it, provided the imprisonment be not on execution, or on conviction of some crime. It is addressed to the custodier of the prisoner, or to the complainant, who is required to bring his charge before the court, and show cause why he should be

* Records of the Legislature.

detained. When the prisoner is brought before the court, and the cause of his restraint is made manifest, it is the duty of the court to determine whether he be legally detained or not. If the cause be not legally sufficient, the court may release him, or otherwise remand him to prison. It will be seen at once, that this right secures the personal liberty of the citizen. The power to suspend it, rests only in the highest legislative authority. Could he succeed in procuring this exercise of the legislative power of Louisiana general Jackson might impress any man into the service, and the person so impressed would have no means of escape or redress.

The Legislature replied to general Jackson, that so violent a measure would chill the patriotic enthusiasm every where prevailing, and in short, declined it altogether. He, as may have been seen already, was not a man to suffer the laws to restrain the exercise of his judgment; on the 15th, he issued a proclamation declaring the right of *Habeas Corpus* suspended, and martial law in force. All persons entering the city were required to report themselves, on pain of arrest. None were to leave it without permission, nor was any vessel to navigate the river or the lakes without a passport. All persons found in the streets after nine, P. M. were to be apprehended as spies and examined.

We are willing to believe that this violent and unauthorized usurpation of authority, this invasion of private rights, and infraction of the constitution, was the result of patriotic motives. No other can be supposed; the course he took did not promote our hero's private interests, nor could he possibly have thought he was laying the foundation of per-

manent power. He had taken the information he had received for gospel, and believed the proclamation of martial law advisable. His arbitrary and impatient disposition was inflamed by opposition, and he hastened to prove that his authority was not to be undervalued. His conduct on this occasion has attracted much blame and some praise. The result was happy and saved him from the punishment justly due to his folly and rashness. Some there are who believe that New Orleans had been better lost, than saved by the proclamation of martial law, supposing this to have been the mean of its salvation, which it was not. If a military officer be allowed to abrogate the laws and the provisions of the constitution at his pleasure our fathers fought and bled in vain. We had better have remained subjects of the British crown. Precedents are most hazardous. In the language of Junius, 'what has been done once, may be done again.' None should be suffered to become a rule, without the utmost caution and the most critical investigation. The one in question, is fraught with deadly evil, as has been seen in some degree, and we fear some of its consequences are yet to be felt.

CHAPTER VII.

Arrival of general Coffee. Landing of the enemy. Night attack. General Jackson's line of defence. Destruction of the Caroline. Attack on the American line. Outrage on the Legislature. Anecdote. Arrival of the Kentucky troops. General Jackson's measures. **THE BATTLE OF NEW-ORLEANS.** Bravery of the Louisiana troops. Operations on the right bank. A truce.

General Coffee arrived on the 20th of the month, with twelve hundred and fifty of the men of Tennessee. Colonel Hinds came about the same time, with a hundred and eighty of the Mississippi dragoons. On the 21st, general Carroll appeared with the rest of the Tennesseans. All these brave men had met very severe privations and perils on their ways, with a resolution that gave earnest of their value.

On the night of the 22d, the enemy effected a landing at Bayou Bienvenue, a lagoon of considerable extent, stretching from Lake Borgne to within fifteen miles of New Orleans. They made prisoners of a party of militia, and reached the bank of the Mississippi, nine miles below the city, undiscovered. Here too they captured a company of militia. The tidings of this event reached general Jackson at noon the next day. He at once perceived that an immediate effort was necessary to save New Orleans, and resolved to give the enemy battle as soon as might be. The Tennessee troops

the city militia, the Mississippi dragoons, and other forces, amounting in all to upwards of two thousand men, were in readiness to march within two hours. The schooner *Caroline* was ordered to drop down opposite the enemy's position; which attained, she was to anchor and deliver her fire. This was to be the signal for a general attack.

The troops came within view of the British troops a little before dark. At half past seven, the *Caroline* began to throw showers of grape and canister shot among them, with such deadly effect that they were compelled to retire three hundred yards in rear of their first position. Even then they were excessively annoyed by her guns. Their compelled change of place brought their right in contact with general Coffee sooner than that officer had expected. His men opened a fire so destructive that the enemy gave way, but soon rallied again.

The moon shone, but not brightly enough to admit of much manœuvring, a circumstance that gave the Americans some advantage. The enemy's right frequently endeavored to form, but were as often compelled to retreat by general Coffee. This continued till the British troops were forced to the river bank.

While the left wing was thus engaged, general Jackson attacked the enemy's left flank. The British troops had gained a favorable position between two levées, or embankments, which had been raised to resist the encroachments of the Mississippi. Here they were in some degree sheltered from the fire of the American riflemen and the guns of the *Caroline*. They resisted bravely for half an hour, giving ground, however; when a dense fog arising, and the American left getting into dis-

order, general Jackson judged it prudent to discontinue the contest.

In this battle, though no decisive advantage was gained, the British troops had the worse. Their lines were repeatedly forced, and they were compelled to retire several times. At the beginning of the conflict their number was four thousand, and they received reinforcements before it was over. On the other hand, our army did not amount to much more than two thousand men. All did themselves honor, and the volunteers of New Orleans did not distinguish themselves least. If we seek for the cause of general Jackson's success, we must find it probably in the darkness of the night, which prevented the enemy from discovering with how small a force he had to contend. If he had known he was engaged with mere riflemen, without bayonets, the result must have been different. Our troops lost about a hundred men in slain, wounded, and missing. The loss of the enemy was never ascertained, but must have been much greater. The greatest good gained by this night attack was its moral effect on the raw troops, who were highly elated, and desirous to follow up their success.

The troops encamped within a short distance of the field of battle, while the Caroline continued to train her guns on the British lines, and that with considerable effect. The general had at first intended to renew the attack in the morning, and sent orders to the city for general Carroll to join him with his brigade. But having ascertained the enemy's numerical superiority, he changed his plan, fell back, and formed his line behind a deep ditch at right angles with the river, and defended on the left by an almost impervious swamp.

The earth that had been thrown out of the ditch answered all the purposes of a parapet. The whole width of the pass was but four hundred yards. The general exerted his utmost powers to strengthen this advantageous position, setting his army a noble example of activity, industry, and fortitude. It is on record that he did not allow himself rest or sleep till the night of the 27th, when his line of defence was completed. Too much praise can scarcely be given to the troops, who, ill clad, in the severity of winter, kept their wet and unwholesome ground with great patience and spirit. The conduct of the Louisianians at this juncture completely refuted the reports which had induced general Jackson to subject them to martial law. As soon as the sufferings of the troops were known the Legislature appropriated a large sum to their relief, which was much increased by private contributions. The ladies of the city employed themselves in making such articles of clothing as were most needed, and the hospitals were abundantly supplied with all attainable comforts. The nunnery was converted into an extra hospital for the wounded, and the surgeons and physicians exerted themselves indefatigably without fee or reward.* This campaign, the most noted in the annals of the late war, was rendered yet more so by the active humanity of the citizens of New Orleans. Surely, such a people did not deserve to be stigmatized as spies and traitors.

After the battle of the 23d, the schooner Caroline had remained opposite the British encampment, as there had been no wind strong enough to

* All authorities concur to establish these facts.

carry her up the river. By dropping down, she might have left her dangerous position, but her gallant commander, commodore Patterson, would not think of depriving the army of her assistance, in case it should be attacked. He therefore waited for a wind to take her up to the American line of defence. On the morning of the 27th, the enemy threw up a battery opposite, and at the second discharge set her on fire with a red hot shot. Her crew were thus obliged to abandon her, and had scarcely reached the shore when she blew up. They were afterwards usefully employed as artillery men.

On the 28th, the British line got in motion in order to storm the American works. At the distance of half a mile their artillery began a discharge of shot, shells, and rockets, which did not, however, shake the firmness of our troops. At the same time the British columns moved forward in order of battle, till the American artillery opening, compelled them to halt. The armed sloop *Louisiana*; too, then lying in the river, on perceiving their approach, brought her broadside to bear on them with very important effect. Finding that his guns could neither make a breach in Jackson's line of defence, nor silence the fire of the sloop, the British commander gave orders for a retreat. An attempt to burn the *Louisiana* with hot shot wholly failed, so that the enemy gained no advantage whatever. There was no great loss on either side, but the British troops suffered much the most.*

While these proceedings were going on, general Jackson had an opportunity to prove his decision,

* Official Report.

though in a manner his true friends have regretted ever since. He received an intimation, one of the rumors that flew on every wind, that it was the intention of the Legislature, in case he should be defeated, to offer the enemy terms of capitulation. It is certain that that honorable body never originated or discussed such a measure. They afterwards solemnly denied the imputation, and had they not, such a course did not in the least correspond with the uniform tenor of their proceedings, which alone would be a sufficient refutation of the calumny. However, general Jackson, fearfully incensed, and without troubling himself to investigate the matter, forthwith wrote a letter to governor Clairborne, who, it seems, was as passive an implement in his hands as his sword. This personage was directed to inquire strictly into the report, and, if he found it true, to 'blow the Legislature into the air!'^{*} Governor Clairborne showed himself an apt pupil of the Jackson school on this occasion. He marched an armed force into the hall of the Legislature, and expelled the members without ceremony, at the point of the bayonet.[†] Doubtless the general acted rashly as well as harshly, for he would have had ample time, even had he been defeated, to have counteracted the proceedings of any civil body. Yet it may be said, in extenuation of his hasty resolution, that he had declared his intention to burn the city, if beaten, and might therefore naturally believe the assembly willing to save their home by any means. In the heat of battle, too, it would be unreasonable to require a commanding officer to give deep attention to other matters than

^{*} Latour's Memoirs.[†] See the Record.

those in hand, or to choose his words discreetly. general Jackson is therefore justified, in some small degree, and the odium of his orders must rest on governor Clairborne, who transcended them without any such excuse.

After their expulsion from their own chamber, the legislature adjourned to the city hall, and held their sittings there.

From this time to the 8th of January, no important military operations took place. There were some trifling skirmishes, and an occasional cannonade, but nothing to change the relative position of the two armies. To repair the damage caused by the enemy's cannon, general Jackson seized a considerable quantity of cotton, and filled up the breaches with it. Connected with this circumstance is an anecdote, which, as it serves to illustrate the character of the man, it will be proper to relate. Our readers will probably remember a similar one of Oliver Cromwell.

The man to whom the bales belonged complained to general Jackson, and demanded their restoration. Finding that he was not enrolled in any corps, the general put a musket into his hand and ordered him into the ranks ; remarking, that as he was a man of property, none could be more proper to defend it. We must say that strict justice was done here, though not according to rule.*

‘Honor to whom honor is due :’ we will give some account of our hero's preparations to repel attack. We have already given a description of his position. Along the centre of his line, at unequal intervals, were placed cannon of different calibres.

* Eaton.

On the right was a redoubt, with several pieces of artillery, so placed as to command the whole front. General Coffee's brigade defended the left, while general Carroll with his troops and a large body of Kentuckians occupied the centre. The ground between the two armies was a level plain. On the right bank of the river were posted a regiment of Louisiana militia, and about four hundred of the Kentucky troops, under general Morgan. They threw up a line of defence similar to that of general Jackson, its right being covered by a thick swamp, and its left, which rested on the river, protected by a strong redoubt, commanded by commodore Patterson.

On the 4th of January the long expected Kentucky militia arrived, to the number of two thousand two hundred and fifty men. Not more than a third had arms, and even after every exertion had been made to supply them, a great many were obliged to stand idle.

In the event of a defeat, general Jackson's measures were taken: two miles in rear of his position he had chosen another line where his men might rally, and the dragoons had orders to check the pursuit until it should be reached. All his unarmed men were stationed here, in order to impose on the enemy by a show of numerical strength. If driven from his first position he intended to make the greatest possible resistance at this second line.

On the 7th, a great bustle in the British camp gave warning of an impending attack, and it was discovered that a part of the enemy's forces were preparing to cross the river, evidently in order to attack general Morgan's position. Morgan therefore sent forward a party of two hundred men to

obstruct and give notice of their landing. On the left bank all was in readiness, and the soldiers panted for the hour of trial.

At daybreak two rockets gave the signal of attack, and the American pickets were instantly driven in. Several batteries, which had been prepared during the night, opened, and the air was filled with a storm of shot, shells, and rockets. This discharge produced no effect.

A dense fog, the funeral pall of thousands of the British troops, hid their approach. They came on in two solid columns of attack, directed severally against the right and left of the line. They marched firmly, slowly, and in good order, the front ranks carrying fascines to fill the ditch, and scaling ladders to mount the parapet. As soon as they emerged from their shroud of vapor, they were greeted with a general discharge of artillery and small arms. Hundreds dropped on the spot. From that moment, the affair was rather a butchery than a battle. The Americans, safe behind their embankment, and matchless as marksmen, awaited them steadily, throwing little of their lead away. The report of their small arms was as little interrupted as the roll of a drum, while at the same time the artillery mowed down whole ranks. Few troops could have stood a fire so destructive. They still pressed on : some of them even entered the ditch, where they remained sheltered from the shot till the strife was over, and were then made prisoners.* While we do justice to our enemies, let us not forget our brethren. They justified the martial reputation of Tennessee and Kentucky, and

* Official Report.

the hopes that had been entertained of Louisiana : that is praise enough for any army.

It is said that the British commander (Sir Edward Pakenham) had appealed to the worst passions of his troops to stimulate them to the assault. It is on record, and has never been denied, that 'Beauty and Booty' were the words given by him as the order of the day. Whether this be true or not, it is certain that they contended with unexampled bravery. The right column was twice broken and repulsed by generals Coffee and Carroll, and twice rallied to the storm. The left column advanced on the redoubt on the right of the American line, and reached the ditch, though much annoyed, not only by its guns, but by those of commodore Patterson on the opposite bank. Major Rannee led it on, and was the first to scale the parapet, sword in hand. His gallantry cost him his life : he fell instantly by a rifle bullet. However, his men emulated the example of their slain leader, entered the redoubt, and drove its occupants to the rear—but no farther. These were the riflemen of Louisiana, whose fire was literally death to their assailants, to the last man. General Jackson sent a reinforcement to their relief, but it was needless, as the enemy had abandoned the attempt before its arrival. They suffered much in their retreat by Patterson's artillery, and would have suffered more but for an interruption,—of which more anon. As it was, every rod of their retreat was marked with corpses.

While this column was thus being slaughtered, the other was wavering. Sir Edward Pakenham advanced to the front, and was endeavoring to bring the sufferers once more to the charge, when

he received his death shot. The next in command was nearly at the same time borne from the field, dangerously wounded. The British soldiers then retreated, in less confusion than might have been expected, till they gained the shelter of a ditch, where they halted and dressed their ranks.

Their officers, having restored order, led them steadily on once more over the thick strewn bodies of their comrades, and met the same reception as before. So dreadful was the destruction, that they could hardly close the gaps in their ranks as fast as they were made. They were endeavoring to deploy into line, when they at once lost heart, broke, and fled, in spite of their leaders, the points of whose swords had now less terror for them than the American rifles. General Lambert, who had succeeded to the command, led them back to their former position.*

We have promised to account for the silence of commodore Patterson's battery; the cause was as follows. Eight hundred of the enemy's troops had crossed the river below during the night, to attack general Morgan's position. Through the negligence of Morgan's advanced guard, they landed without opposition. On their retreat to the main body, the guard met a body of Kentuckians who had been sent to their assistance, under major Davis. Davis took command of both parties at five in the morning, and proceeded to meet the enemy, to whom he gave a temporary check. The conflict was raging, when an order to retreat arrived from general Morgan. This was not to be done by raw militia without confusion, and they accord-

* We need give no references here.

ingly fled in great disorder to their main body. There they were immediately formed.

In due time, the enemy advanced to the attack in two columns, like the troops on the opposite shore, and were warmly received. The line was by no means so strong as general Jackson's, and the weakest part of it, the right flank, was defended by the Kentuckians. Colonel Thornton, the British commander, scanned the defences with a soldier's eye, united his columns, and attacked the right flank. The Kentuckians gave way, and the troops of Louisiana, after some unavailing resistance, followed them.

Commodore Patterson, seeing how matters were going on, relieved the British troops on the opposite shore from his fire, and turned his guns on colonel Thornton's men. When, however, he saw the right wing defeated, and that he could not act to farther advantage, he spiked his guns and retired. The Kentuckians stand fully acquitted of blame for their part of the battle, as a hundred and eighty only of them were intrusted with the defence of an extent of three hundred yards, against eight hundred regular troops. It was impossible for them to have acted otherwise.

Thus was a point gained by the enemy, of which had he promptly availed himself, he might have effected his main object, the capture of New Orleans. Had he immediately crossed with his whole force, there was nothing to obstruct his march to the point opposite the city; and as the position he had won commanded the line on the other bank, occupied by general Jackson, he could, had he stood firm and rendered the captured guns serviceable, have rendered the other defences untenable. Happily, he did neither.

Such was the decisive, famous fight of New Orleans, of which we have tried to give a slight sketch. Thus was general Jackson's fame acquired, and such was his claim to the gratitude of his country. He deserved it. His friends have sounded his praises and extolled his conduct on this occasion, as if courage were not a plant of American growth. They have not been ashamed to advance that this battle should place him as high in the temple of fame as Cæsar or Napoleon. His enemies have endeavored to deprive him of the praises justly his due, and to reduce him below the level of a militia corporal. Both are in our opinion wrong. He did his duty; his measures were well planned, and carried promptly into effect. At the same time we believe there were and are in our army troops of subalterns capable of as great or greater achievements. Knowing where the enemy had landed, he could scarcely have done otherwise than he did. His night attack was unsuccessful, and had the battle of the 8th proved so we should have heard no more of him. His name would now be in the mouths of men as seldom as those of generals Wilkinson, Winchester and Winder. The battle, the mere blood-spilling, is what has excited the popular admiration, though the result was almost inevitable. Never was victory more easily or safely won. The circumstances, excepting numbers, were all in his favor. He discomfited the British troops, and is now a hero and president of the United States. It is true that he evinced considerable military talents in this his only regular field of display; but to say that one successful battle, and that on a small scale, can place any officer on the list of great captains, is an abuse

of language, and an insult to common sense. As for advantage to the country, there was none ; by the treaty of peace concluded at Ghent fourteen days before the battle of New Orleans, all things were to have returned to the *status ante bellum*. The city, therefore, must have been restored to us had it been taken. We have more faith in the national honor of Britain than to believe the contrary. We would not have these latter remarks understood, however, as undervaluing the general's services.

The number of British troops first landed in Louisiana was about fourteen thousand. Nine thousand were engaged in the battle of the 8th. Two thousand six hundred of these were killed, wounded, or made prisoners. On the other hand, the number of American troops engaged was not more than five thousand, and of these thirty-four only were killed and wounded.

While colonel Thornton remained in possession of the right bank of the river, neither general Jackson's immediate command nor the city could be considered in safety. Indeed it seems wonderful that the British commander did not immediately avail himself of so great an advantage. Aware of its importance, general Jackson hastened to send troops across, who were ordered to dispossess colonel Thornton at all hazards. Before they were ready to attack, their object was happily gained without further effusion of blood.

The British commander sent a flag of truce with a proposal that hostilities should cease for twenty-four hours, that the dead might be buried. General Jackson assented, but stipulated that the truce should not extend to the troops on the right bank,

and that no reinforcement should be sent across by either party. Whether general Lambert had already determined to abandon the post gained and retreat, or whether he inferred from this answer, that a large American force had already been sent over, cannot now be known. At any rate colonel Thornton did not wait to be attacked, but recrossed the river and joined the main body in the night. The Americans joyfully took possession of the post he had abandoned, and thus both armies were again in the same relative positions as before the battle.

The immense loss of the king's troops was here, as at Bunker's Hill, in a great measure owing to the contempt in which regulars always hold militia, and their overweening English vanity, which very often makes them disdain the policy of war, and contend against any odds.

CHAPTER VIII.

The British troops withdraw. Peculiar hardships of the Kentucky and Louisiana troops. Death warrant of six militia men. Their case. Captain Strother, lieutenant McAulay, Jacob Webb, sergeant Morrow, and others. Sentence of the alleged mutineers. Their execution. Lewis. Militia laws. Honors paid to general Jackson. Banishment of French aliens and the French consul. Mr. Louailler's case. His trial and acquittal. General Jackson is prosecuted. Behavior of the mob. General Jackson's modesty.

On the night of the 18th, general Lambert abandoned his camp, and retreated, but in so good order, and with such caution, that general Jackson found it inexpedient to pursue. To have attempted the British rear, defended as it was by canals and entrenchments, with militia, would have been madness. However, he took every precaution against a second attack, at whatever point it might be made. His care was needless; the enemy had bidden farewell to the vicinity of our army. Being satisfied of this fact, general Jackson, on the 20th, marched the greater part of his force to New Orleans. The Kentuckians and two regiments of the city militia were ordered to remain in the field; the former on a wet, marshy soil, which with the duties and hardships of camp duty, caused them to contract fevers and dysenteries, which swept away five hundred of them within a month.* The latter were posted in a similar position on Villery's plantation. Their case was peculiarly hard. Some of

* Eaton and Jackson, Latour's Memoirs.

them were not American citizens, but Frenchmen, and all had powerfully contributed to the success of the 8th. They were the French artillerists, whose cannon had most annoyed the British columns. These were the troops who had so valiantly defended the redoubt on the right of the line. Not one of them had been guilty of the slightest military offence. Many had wives and children, and all had homes and friends in the city, on which account, we think, some indulgence should have been shown when the danger was over, and their services were no longer necessary. If any part of the army had a better claim to be stationed in New Orleans than another, this was that part. If we inquire why the Kentuckians and Louisianians were treated with this peculiar severity, we fear we must find the cause in the vindictive temper of the chief. The former had been unable to maintain their post against a superior force, and the latter had dared to name a condition on which their service should be rendered. Nevertheless, gratitude to the saviour of the city prevailed over all other considerations, and he was received with acclamations on his return.

On the 19th of the month, general Jackson had declared, in his official despatches, that the danger of Louisiana had ended. Yet on the 22d, he signed a warrant that illegally condemned six men to death, and nearly two hundred more to an ignominious punishment. We speak of the well known case of the six militia men, of which we shall endeavor to give an abstract.

These men belonged to a levy of Tennessee militia, called out by governor Blount in 1814, and who arrived at the appointed place of rendezvous

in June the same year. They were told by their officers, that they could be legally compelled to serve for three months only. On the 20th of September, therefore, supposing the term of their service to have expired, upwards of two hundred of them delivered their arms to the proper officers, and set out for home. Having received such advice on their way as made them doubt the propriety of the course they were pursuing, most of them returned to the camp, where they were confined by order of general Jackson, and others were pursued and brought back. Various charges were preferred against them all, and in November a court martial convened at Mobile to try them.

One of the officers above mentioned, Captain Strother, was charged with, 1st. Exciting mutiny, by telling his troops that the law required them to serve three months only, and that he would march his men home at the end of that time.

2dly. Conniving at mutiny in not reporting his men to the commanding officer, as the rules and articles of war direct, and in persuading his men to return home at the end of three months.

3dly. Disobedience of orders, in not having endeavored to suppress mutiny; by which was meant, that when the men about to depart broke open a bakery to get bread for their journey, he had done nothing to hinder them. The fact was, as appeared by the evidence, that they came armed, to the number of a hundred, and as they seemed determined, he was unwilling to spill the blood of his friends and neighbors. The court acquitted him of having failed to report his men to the commanding officer. As to the other charges, he had an undoubted right to advise his men respecting

their legal privileges. If the ground they took, indeed, was not tenable, he incurred their guilt. But in the record of the trial, it does not appear that he gave them the counsel alleged, but rather the direct contrary. Stronger testimony would be required in a civil court to convict a noted thief of a petty larceny. The court found him guilty, however, and sentenced him to be dismissed from the service, as unworthy of holding a commission.

Lieutenant McAulay was charged with having induced the men to leave the army, and with having shared the provisions forcibly taken on the 19th of September. The court found him guilty. He was sentenced to be dismissed from the service, to have his sword broken over his head, and declared incapable of ever holding a commission in the army.

Jacob Webb, a private, was charged with mutiny, desertion, and robbery; the robbery meaning that he was one of those who forcibly seized provisions. He pleaded that he had served faithfully three months, and had thought he was exercising a legal right in returning to his home. As soon as he discovered his error he had returned to his duty. This was truth; but the court sentenced him to be shot, notwithstanding.

Sergeant Morrow and privates Harris, Lewis, Hunt, and Lindsey, were charged with the like conduct, found guilty, and sentenced to death. Morrow had returned to the army, penitently acknowledged himself in error, and received a written pardon from general Taylor, his immediate commanding officer, subject to be revoked by the commander-in-chief. He exhibited this document, and threw himself on the mercy of the court—to no purpose. Harris

was a baptist preacher, and had a wife and nine children. He too had returned to what was called his duty; indeed they had all done so. They had all fought bravely in the field, and had been moved to the course they took by the advice of their superiors. Hunt had served with honor in every battle of the Creek war.

The next twenty brought to trial pleaded guilty, and urged in extenuation of their conduct their ignorance and the advice of others. They professed to have repented, and implored mercy. The court sentenced them to make up the time lost by their absence, to be mulcted of half their pay, and at the end of their service to be drummed out of the camp with the hair of half the head shaved close. Two of them only were recommended to mercy on account of their youth and inexperience.

The rest of the runaways were tried in squads, and sentenced in like manner. General Jackson, as before mentioned, approved the proceedings of the court, and ordered the sentences to be carried into effect. Not to break the thread of our narrative, we will give the result of these proceedings here.

The six condemned to die were brought to the place of execution in a waggon. All behaved firmly but Harris, who, probably thinking of his wife and children, wept bitterly, and attempted to make some apology for his conduct. The officer presiding, exhorted them not to shame the army by unmanly fears, but to show the same courage they had often displayed on the field of battle. Lewis answered that he had served his country well, and would fain have served it longer and better, for his love of it was great. It was bitter,

he said, to die in such a manner, but as the thing must be, he would meet his fate like a soldier. He did so; when the others were stretched dead around him, it was discovered he was yet alive. With a mistaken humanity, two of the execution party had purposely missed him, and he had received but four wounds. He crawled to his coffin, and asked if he had behaved well; if he had sufficiently atoned for his crime. He lingered four days in great agony.

These men appear to have been the victims of general Jackson's very high estimate of his own power. We have already seen the laws of the land bend to his will, or rather to his notions of expediency. We have seen him compel militia to remain under his command beyond the term of service prescribed by law. In this case he could not have been mistaken with regard to this law, as governor Blount, in a letter to him, had refused to sanction his construction of it, and advised him to return to Tennessee with his troops. The statutes on this subject are these :

The militia law of 1795, restricted the service of the militia to three months.

In 1812, a special law was passed, to remain in force two years, by which militia *might* be required to serve six months. This last law lost effect in April, 1814.

On the 18th of April, 1814, a new law was made, to supply the place of the one just mentioned. It authorized the president of the United States to extend the service of militia from three to six months, but gave no power to any other so to do. In this case the president had not exercised his power, and the secretary of War had expressly

informed governor Blount, that the Tennessee militia then in the field, were to be considered as drafted under the law of 1795. Lastly, the law of Tennessee required militia to serve but six months. From these premises, it is as clear as a mathematical demonstration, that the unhappy sufferers were right, and general Jackson wrong, in their several constructions. The men were not only executed, but tried illegally.

To make the best of the general's conduct, supposing these men actually to have been deserters, their execution was a cruel and unnecessary act. The enemy had disappeared, and he had himself declared the southern section of the union out of danger. No example was therefore necessary.

The history of this affair, revived for party purposes in 1828, caused such an excitement, as led to an investigation of the general's conduct in Congress. The proper documents were laid before the house of representatives, and were referred to a committee of his friends. They put a gloss on the facts, and vainly endeavored to justify him in their report, to which we refer any who may doubt the truth of our statement. But no strength of argument can disprove the records of a court.

The 23d of January was appointed by the authorities of New Orleans as a day of public thanksgiving. On that day, general Jackson repaired to church through crowds of children, who strewed his way with flowers and sung a flattering ode, written for the occasion. A clergyman met him at the door of the church with a gratulatory address, and crowned him with a wreath of laurels. The general replied with a becoming modesty. The legislature were less, or rather not at all dis-

posed to do him honor. They passed a vote of thanks to the troops and officers, some of whom were distinguished by name, but avoided all mention of Jackson. It must be confessed that there had been provocation to this mark of disrespect.*

It may be supposed that after the enemy had disappeared, or at least after satisfactory advice of the treaty of peace had been received, the declaration of martial law should have been rescinded, if indeed it were ever necessary, and the laws of Louisiana suffered to resume their course. We wish it had been so, and that every step of our hero's course had not conveyed pregnant proof of his unfitness to exercise civil power. On the contrary, his conduct puts us in mind of the exasperated rhinoceros, wreaking his fury on every object that presents itself.

News of peace were received at New Orleans on the 10th of February, but not through an official medium.

The French citizens among the Louisiana troops yet detained at an unhealthy post becoming weary of such needless hardship, applied to M. Tousard, the French consul, for certificates of French citizenship, which, of course, exempted them from military duty. These the consul could not refuse consistently with his official duty. Nevertheless, general Jackson was much exasperated, and forthwith issued an order requiring those who had thus offended him, including the consul, to remove immediately to Baton Rouge, a hundred and twenty miles from New Orleans.† This measure seems the more harsh, that while the French aliens

* Eaton.

† Latour's Memoirs.

were thus banished, the English and Spanish were permitted to remain in peace. In so doing, the general violated the laws of nations in the removal of the consul, and the stipulations of the treaty by which Louisiana was ceded to the United States. According to that treaty the French were entitled to certain commercial privileges in the city, for a time that had not yet expired. These men too, were the general's best cannoneers; who had proved themselves such. If there were danger of another attack, he thus deprived himself of the services they would joyfully have rendered. As to the consul, the person of any recognized foreign minister is sacred by the laws of nations, and is not liable to arrest or imprisonment. Even if he should commit a capital crime, or abuse his official authority, the nation offended has no power to punish him, but must send him to his government, which must do justice or become his accomplice. M. Tousard, had been, moreover, a fellow soldier of Lafayette, was crippled with wounds received in the cause of American liberty, and should therefore have been exempted from personal indignity.

Very many of the citizens of New Orleans disapproved of this violence. Among the malcontents was Mr. Louis Louailler, a gentleman of French extraction, and a distinguished member of the legislature. He was a man of talents and fortune, and of course was as much interested in the defence of the city as any other. His character will be best understood from an account of his conduct during the campaign. He it was, who moved the legislature to expend sixty-five thousand dollars in the erection of fortifications, as before mentioned. He

also moved that six thousand dollars should be appropriated to increase the bounty given to recruits. He had caused an embargo to be laid on all the vessels in the port, that they might not be made useful to the enemy. He had obtained a vote of two thousand dollars for the benefit of the wounded Americans, and procured a passage of a bill for the relief of the widows and orphans of the slain. In short, every page of the journal of the legislature affords a proof of his activity and devotion to his country. We should fail in our duty, did we neglect to vindicate this slandered patriot.* The banishment of the French residents awakened the indignation of Mr. Louailler, and he published an article on the subject in one of the Louisiana papers. It deplored the abuse of military power, dwelt on the rights secured to Frenchmen by treaty, and exhorted those interested, to disobey the general's order. Our hero caused Mr. Louailler to be arrested and confined forthwith.†

This afforded an opportunity to try whether civil or martial law was to prevail. Mr. Louailler immediately applied, through his counsel, to the district judge Hall for the benefit of the writ of *Habeas Corpus*. It is provided by the constitution of the United States, that no citizen shall be held to answer for any capital or infamous crime, save on the presentment of a grand jury. The same article also provides that no person shall be deprived of life, liberty, or property, but by a due course of law. Any citizen, therefore, in duress, and not legally presented, may demand the writ of *Habeas Corpus* as a right. The president of the United States

* Journal of the Legislature.

† Eaton and Louailler.

has no power to withhold it, much less judge Hall. The judge did what he was bound to do ; he issued the writ.

The construction general Jackson put on his own conduct was this : He knew not but that the report of peace was a device of the enemy to lull the vigilance of his troops. A law of Congress directs that all aliens not owing allegiance to the United States, who may be found lurking about military stations *as spies*, shall suffer death, if so sentenced by a court martial. This description, the general conceived to apply to Mr. Louailler and the banished Frenchmen.* The former was charged with being a spy, the act of publication being the only specification of the charge. On this head, we may be permitted to remark that spies seldom hold correspondence with the enemy through the public prints. We have already shown how far the others merited such an imputation.

Instead of obeying the order of the court, general Jackson laid a sacrilegious hand on the interpreter of the law. He seized judge Hall and confined him. He applied to his brother judge Lewis, for the same process he had issued in favor of Mr. Louailler, through Mr. Dick, the district attorney. Mr. Dick was arrested for making the application, and an order was issued to apprehend judge Lewis. It is not known to us whether the latter was arrested or not. Possibly the officer charged with the execution of the order might have wanted opportunity, or been unwilling to participate in such outrageous proceedings. Judge Hall was not so fortunate, being thrust out of the city, with an order not to

* Eaton.

return till it should be certain that the enemy had left the country, or till peace should be officially announced.*

Mr. Louailler was then brought before a court martial, charged with *mutiny, exciting mutiny, general misconduct, being a spy, illegal and improper conduct, disobedience to orders, writing a wilful and corrupt libel, unsoldierly conduct, and conduct contrary to and inadmissible within the city of New Orleans and its environs, under a general order, &c. &c.* Each and all these formidable charges had one and the same specification; writing the newspaper article above mentioned. If, as we believe from the diction he did, general Jackson wrote this indictment himself, he showed a singular ignorance of the forms of both martial and civil law, neither of which admit of such general and vague allegations as improper conduct, inadmissible conduct, &c. It is a fixed principle that the time, place and manner of an imputed offence should be specified. We know no article of war or rule for the government of the army that makes writing a libel a military offence. However, let that pass; where the principle is wrong, the forms are of little importance.†

Mr. Louailler denied the jurisdiction of the court and stood upon his right of trial by jury, and when the court, rejecting his plea, declared itself competent, declined to produce any witnesses in his own behalf. Nevertheless, he was acquitted of all the charges. General Jackson formally disapproved of the proceedings of the court. By ordering another, or what would have been better, by delivering

* Louailler's statement.

† Ibid.

the prisoner to the civil authorities, an opportunity would have been afforded to establish his guilt or innocence, but this was not the chief's wish. His design was to punish, and he did punish Mr. Louailler, by keeping him confined till the thirteenth of the month, when the treaty of Ghent was officially announced.* These reiterated attacks on the freedom of the citizen and the press were made by a man who a few days before had declared in a public address that, 'we should enjoy our liberties, or die in the last ditch.' We deem further comment needless.

The laws were now restored to their usual course, and the militia and the banished citizens returned to their several homes. The first use judge Hall made of his liberty was to grant a rule of the court wherein he presided, requiring general Jackson to appear and show cause why an attachment for a contempt should not be put in force. If in this the judge showed an unbecoming resentment, as has been alleged, he at least did not exceed his legal authority. Our hero had now no troops to back him, and had probably become aware that his mad career could no longer be tolerated. He appeared before the court, and endeavored to show that it had no jurisdiction in his case. We refer those who may wish to read his plea, to Eaton's Life of Jackson, where it is given at full length. We would willingly give it a place here, did we think it calculated to do him honor, or to put any of his proceedings in a new light. As it is, we cannot encumber our work with twenty closely printed octavo pages, of no meaning.

* Louailler's statement.

When he had finished his argument on the points of law, and was proceeding to expatiate on the necessity of martial law, the judge interrupted him, as straying from the matter in hand, and made the rule absolute. The attachment was accordingly sued out, to be returned on the thirty-first.

The success of his military services had raised the gratitude of the populace to enthusiasm. When he appeared in court he was greeted with plaudits. So great was the clamor that the judge, apprehensive of a rescue, would have adjourned the court; but the general addressed the rabble, and desired that order might be maintained, concluding with this modest address to the court, 'There is no danger here; there shall be none; the same arm that protected from outrage the city, against the invaders of the country, will shield and protect this court, or perish in the effort.'*

He was then required to respond to nineteen questions, but declined doing so, alleging that the court had already refused to listen to his reasons. He had come, he said, merely to receive the sentence of the court, and expected that censure or reproof would make no part of it. He desired, however, that these words might not be considered as expressing any disrespect to the court. The judge then imposed a fine of a thousand dollars on him, which he paid forthwith. The mob (we call any assembly that does not respect a court of justice, a mob) raised the since well-known slogan of 'Hurrah for Jackson,' seized the general and carried him forth into the streets. They dispossessed a lady of her carriage, put him into it, took

* Eaton.

off the horses and dragged their idol through the streets, all the way belching execrations and menaces against judge Hall. This was too much for our hero. He made a speech, to explain the motives of his conduct, complimented the rabble on their love of 'order and decorum,' and finally begged them to desist. They did so, and he retired to his lodgings.*

He acted in better taste in refusing an indemnification for his fine which they raised among themselves by contribution.

Soon after, general Jackson returned to his own home, and for a while was hailed with approbation from all quarters as the saviour of his country. Congress passed a vote of thanks in his favor and presented him with a medal. The magnitude of his exploit had entirely eclipsed all his errors; no investigation of his conduct took place, nor was it even made the subject of inquiry for years. We believe that his several arbitrary measures were not even known to a very large majority of the people. All specks were lost in the sun of his martial glory.

* Eaton. Having no farther occasion for this man's services, we here thank him for the use of his record.

CHAPTER IX.

Mr. Jackson is appointed a commissioner to purchase Indian lands. His negotiation. His advice to Mr. Monroe. His orders. Correspondence with general Scott. The Seminoles. Attack on Fowltown. Slaughter of lieutenant Scott's party. General Jackson's orders. He raises troops. Violation of a neutral territory. Capture of St. Marks. Hillshago is taken and hanged without trial. Anecdote.

General Jackson remained tranquil on his farm till the latter part of 1816, enjoying the rank and emoluments of major-general. During this time he did nothing worthy the notice of the biographer. We find him, after a repose of nearly two years, superintending the cession of Indian lands, conjointly with governor Shelby of Kentucky.

They set forth for the treaty ground, accompanied by several of Mr. Jackson's especial friends. These gentlemen, it seems, were to profit by the exertion of his powers. On the road, our hero asked his coadjutor what was the maximum he would offer the Chickasaws. Governor Shelby replied, that rather than not effect a treaty, he would give three hundred thousand dollars; but added that he did not think half the sum would be required. After this no farther conversation on the subject took place between them.

When they arrived among the Chickasaws, Mr. Jackson held much private intercourse with the

head men, and passed a night in the house of Colbert, a half-breed chief. As he did not inform governor Shelby of the purport of his proceedings, the latter began to suspect that something wrong was being done. At last a council was convened, and Mr. Jackson took it on himself to act as speaker. He first offered the Indians a hundred and fifty thousand dollars, then two hundred thousand, then two hundred and fifty thousand, and finally three hundred thousand. Governor Shelby would hear no more; he rose and left the place.

Speaking of the transaction, Mr. Jackson told governor Shelby, that the chiefs contended for a reservation, which they might sell to whomsoever they chose. The governor objected, saying they might sell to the king of Great Britain. Our hero replied, that a company of gentlemen were on the ground, prepared to give them their price—twenty thousand dollars. Governor Shelby positively refused to permit any such transaction, which indeed would have been an evasion of the law. He contended that the Government should have the refusal of the said reservation, and at last Mr. Jackson and the chiefs were obliged to yield. Governor Shelby further told his coadjutor, that he had made offers for which he had no authority; and was answered in a strain too violent and profane to stain our paper withal. The parties would have come to blows, had not the governor's son interposed; and to him his father declared his opinion of our hero in the words, 'old rascal.'

The next day, governor Shelby was again addressed in the same style by Mr. Jackson, and a second interference was necessary to prevent a personal conflict. At last the treaty was concluded;

the chiefs received three hundred thousand dollars, and sold their reservation to James Jackson (probably the general's former partner) for twenty thousand more, in spite of governor Shelby. But on the complaint of that gentleman to the Government, James Jackson was compelled to give up his purchase for the precise sum it had cost him.

Mr. Shelby was to the day of his death of opinion that the conduct of general Jackson on this occasion had cost the Government upwards of a hundred thousand dollars.*

Immediately after general Jackson gave the president of the United States his advice (by letter) on the subject of the war department, which was then vacant. It was reported, that governor Shelby was to be secretary of war. Our hero objected to him, on the ground that his acquirements did not fit him for the duties of the office, and recommended a secretary of his own choice, colonel Drayton of South Carolina. Mr. Monroe answered his letter, and they continued to correspond till the appointment of Mr. Calhoun, at which the general apparently took umbrage. It appears so from this fact. An order having been given by the president without general Jackson's knowledge, to an officer of his district, he immediately issued an order to his division to obey no command of the president as commander-in-chief, through the war department, unless it should come from himself; a strange construction of discipline, indeed. True, military etiquette requires that orders should be transmitted from superiors to inferiors through intermediate

* For the particulars of this transaction, see the letter of T. H. Shelby, son of the governor, first published in the Kentucky Advocate.

grades ; but this is in courtesy, and to avoid confusion. Were the second in command not thus made acquainted with the intentions of the commander-in-chief, he might counteract them. In peace, this courtesy may be advantageous, because there is seldom occasion for haste ; but in war a strict observance of it would destroy the efficacy of any army. To make the matter plainer, let us suppose a case, which often occurs ; half a company fall in battle, including the officers. The colonel of the regiment, seeing a dangerous breach in his ranks, orders the survivors to close up. Suppose the privates should answer, ‘ Sir, we cannot obey your orders, unless they come through the usual channel of our company officers.’ The enemy might enter the gap, and throw the whole army into disorder. This is but a homely illustration, yet it shows the inevitable results of general Jackson’s construction of etiquette. The grand maxim in military discipline, is ‘ Obey the last order, if it comes from a superior.’

This order placed the officers in general Jackson’s division in an extremely uncomfortable and embarrassing situation. If a second order had emanated from the president or the war department, an officer would have rendered himself liable to a trial by a court-martial in obeying or disobeying it. He must have been prosecuted by either the war department or the general. General Scott, who has ever been considered good authority in military affairs, publicly pronounced Jackson’s order an act of mutiny, and an intemperate correspondence took place between the two generals. Our hero proposed that the difference of opinion should be brought to the arbitration of powder and ball ; but

his brother in arms being of opinion that blowing out the brains of the one could not enlighten those of the other, declined the proposal.*

All that is worth preserving of the correspondence between the president and our hero are a few characteristic opinions of the latter. He thought Mr. Madison 'one of the best of men, and a great civilian,' but unfit for the high station he had filled because 'he could not look on blood and carnage with composure.' Speaking of the Hartford convention, he said that had he commanded the district where its sitting was held, he would have hanged the principal members. He thought the second section of the rules and articles of war, which he had applied to Mr. Louaillier, would have justified such a course. Thus it appears that he considered the whole district a camp, in which martial law should be paramount.

The secretary of war noticed this matter only in issuing a declaration that for the future orders of the war department should be first communicated to the commanding generals of divisions, excepting on extraordinary occasions. When these should occur the generals were to be notified of the fact as soon as possible.

We now come to the history of the Seminole campaign, but must first be permitted to relate the facts which led to it. The Seminole Indians were originally Muscogees, and were considered the outcasts of that people. They dwelt in East Florida, where their principal places of abode were the Mickasucky and Sowanee villages. The former were situated on lake Mickasucky, near the southwestern part of Georgia, in the midst of a wilderness, and surrounded by swamps, by which the

inhabitants thought themselves secured from attack. The Sowanee villages were on the Sowanee river, which falls into the gulf of Mexico, near its mouth.

The Creeks who held out after the subjugation of their tribe had joined the Seminoles, whose numbers were farther increased by fugitive slaves from Georgia. Altogether they might have mustered a thousand men.* *It is said*, that these people committed many depredations on the southern frontier, and found a ready market for their plunder in the Spanish towns. They were animated with the most deadly hatred towards the United States, for which, it is true, most of them had some reason, if injury received may be considered such. Hillishago, better known as the prophet Francis, an expatriated Muscogee, had been to England, where, *it is said*, on what authority we know not, he had received encouragement, and been taught to expect that the British government would effect the restoration of the Creek lands. It is also *said*, that the Spanish officers encouraged the Seminoles in their depredations, and it is certain that the Spanish garrisons were overawed by them. The part of general Jackson's district nearest the Seminoles was under the immediate command of general Gaines. That officer was ordered by the president, on the 30th of October, 1817, to concentrate his force, and take other measures to protect the frontier. Eighteen hundred of the Georgia militia were also called into the field, and these measures the president hoped would 'restrain the Seminoles from further depredations, and perhaps induce them to make

* Report of a committee of the senate.

reparation for the murders already committed by them.' If, however, they should refuse so to do, general Gaines was on no account to pursue them into Florida without further orders *from the war department*. Moreover, general Gaines was directed to remove the Indians remaining on the lands ceded to the United States in the treaty made with the Muscogees by general Jackson.*

In obedience to his orders general Gaines built three forts; Fort Scott on the Flint river, near its junction with the Chatahoochee; Fort Gaines, on the Chatahoochee, and on the line between Georgia and Mississippi; and Fort Crawford, in Mississippi, on a branch of the Escambia. He then proceeded to expel the Indians as directed. They dwelt in Fowltown, on Flint river, a little below Fort Scott. On the 19th of November the general sent one of his aids to require their chief to appear before him, and explain why he did not leave the territory. The chief, obeying the dictates of his native pride, refused to attend.

On the 20th a major was sent, with two hundred and fifty men, to apprehend the inhabitants of Fowltown, and bring them to Fort Scott. This order was easier given than obeyed. The Indians attacked the party on its arrival at their village, but were routed with loss, and obliged to fly. This affair is to be regretted. Our government had an undoubted right to remove the Indians, but excepting their refusal to decamp, the inhabitants of Fowltown had given no provocation. They had lingered about their ancient home, but peacefully, and without giving offence to any one.†

* Order of the war department.

† Governor Mitchell's letter.

This attack on the Indians did not pass unavenged. Major Muhlenburgh was ascending the Apalachicola river (which is formed by the junction of the Flint and Chatahoochee) with three boats, and a supply of stores destined for Fort Scott. Hearing that he found much difficulty, general Gaines despatched lieutenant Scott and forty men down the river, in a boat, to his assistance. At the mouth of Flint river this party fell into an ambuscade of the dispossessed inhabitants of Fowltown, and were all slain but six, who escaped by swimming. Some women on board were also slain, with the barbarity peculiar to Indian warfare.

After this success the Indians continued to line the banks of the river, and to fire on major Muhlenburgh's boats, which were detained several days by head winds. Another boat was made bullet proof and sent down the river. With the assistance of its crew major Muhlenburgh finally reached Fort Scott. The Indians fled to the Mickasucky villages with the scalps of their victims, which they hung in triumph on a pole.

After this general Gaines received three orders from the war department, all dated in December. The first directed him not to cross the Florida line to attack the Indians. The second required him to exercise a sound discretion in so doing. The third ordered him, in case the Seminoles should refuse to make reparation, to cross the line, and attack them in Florida. If, however, they should shelter themselves under the guns of a Spanish fort he was to halt, and immediately notify the war department. But the general had no opportunity to execute his orders.*

* Orders of the war department.

When the massacre of lieutenant Scott's party was known at Washington, general Jackson was ordered to repair from Nashville to Fort Scott and assume the command. He was, furthermore, directed to call upon the governors of the adjacent States, for such detachments of militia as he might think proper.* The general did no such thing, but assumed a power not vested in the president, the governors of States, or any other officer. Without the shadow of authority he raised an army of twenty-five hundred volunteers, mustered them as in the service of the United States, and appointed two hundred and thirty officers.† In this he found no difficulty. Some of the Tennesseans were actuated by love of country, and others were very willing to indulge themselves with a ride through a new country at the expense of the government. There was no danger; eighteen hundred of the Georgia militia and fifteen hundred friendly Creeks and Cherokees were in the field to co-operate with them, and they had but a handful of vagabonds to subdue.

Having mustered his troops, and made arrangements for the campaign on the 9th of March following, general Jackson took up the line of march for the mouth of the Apalachicola, near which he built Fort Gadsden, to serve as a depot for supplies expected from New Orleans. This was in a foreign territory. Nor did he stop here.

Fort Crawford, we have already said, was on the head waters of the Escambia. The most convenient way of sending provisions to this and the other posts on the border of Florida was by the

* Orders of the war department.

† Report of committee of the senate.

rivers that flow through that territory into the gulf. No ceremony had been used in ascending the Apalachicola, as there was no Spanish fortress on it. But the Escambia flows by Barrancas, and the general thought it most prudent to advise the governor of Pensacola of his intention to send his provisions that way. That it might be understood that he was in earnest, he informed the governor that he should consider any hindrance of his boats as an act of hostility against the United States. The governor replied, that on paying the customary duties, the stores might proceed. The general did not think fit to comply with this lawful requirement, but executed his purpose without further regard to the colonial authorities. No interruption was offered.

On the 1st of April, the army reached the Mickasucky villages, which had been deserted on its approach. Upwards of forty scalps were found in the council-house, most of which were supposed to have been taken from lieutenant Scott's party. General Jackson burned the villages, and having left his Indian allies to hunt for their inhabitants, marched to St. Marks, a Spanish post on Apalachy Bay. The fort had but a feeble garrison. General Jackson required the commander to give place to the American troops, and, without waiting for an answer took possession with force and arms. The commandant and his troops he shipped off to Pensacola.

While the American troops were at St. Marks a vessel arrived from New Orleans with supplies. Her master hoisted British colors as a decoy, and stood off and on. The lure took effect; Hillis-hago, already mentioned, and three others, who

had been hiding in the vicinity, went on board. Hoisting false colors is certainly allowed by the laws of war, but the treatment of these miserable savages was not. They were hanged without trial, without even presumptive evidence of having committed any crime, by general Jackson's order. *It was said*, indeed, that Hillishago had been the instigator of the war, and that the others had been among those who attacked lieutenant Scott. Even were this the case, we believe no other officer in our army would have taken the lives of prisoners of war in cold blood.

Shortly after the attack on Fowltown, an American citizen was made prisoner by a Seminole war-party and taken to the Mickasucky village. He was about to be put to death when the daughter of a chief interposed, stayed the uplifted arm of the executioner, and with tears besought her father to spare the prisoner's life. The chief yielded, and the American was suffered to depart in peace. The man who thus showed mercy was Francis Hillishago.*

* We give this fact on the authority of Mr. Storrs, a member of Congress, who was not a man to speak unadvisedly.

CHAPTER X.

Arbuthnot made prisoner. Ambrister seized. Charges against Arbuthnot. His trial. He is sentenced to death. Charges against Ambrister. His sentence. General Jackson's conduct and principle of national law. Invasion of West Florida. Hostile proceedings. General Jackson assumes the reins of government. Captain Wright's murders. General Jackson's letter to governor Rabun. Governor Rabun's reply. General Jackson returns to Nashville.

Alexander Arbuthnot, a Scot and an Indian trader, was taken near St. Marks and confined. This man traded at the Sowanee villages. He was the owner of a small vessel employed in his trade between Florida and the Bahamas, which was seized by general Jackson, and used to transport the invalids and superfluous baggage of the army to St. Marks. It appears that Arbuthnot had, like other Indian traders, attached himself to those with whom he dealt, and considered their cause his own. We draw this inference from a letter he wrote in January to governor Mitchell, the Indian agent, in which he endeavored to avert the war by showing that the savages were not the aggressors.* He was also an accredited agent of the Seminoles, having the preceding year received a power of attorney from their chiefs to transact the business of the tribe.

* Governor Mitchell's letter, which confirms Arbuthnot's statement.

On the 16th, the army arrived at the Sowanee villages, and though the inhabitants fled at their approach, killed eleven of them. After the cattle and corn had been collected, the towns were destroyed.

Two days after, one Robert C. Ambrister, who had been a British lieutenant of marines, was seized, and this done, the army returned to St. Marks. So terminated the celebrated Seminole war, in which no battle was fought and no danger incurred. The enemy never thought of contending with the overwhelming force brought against them, but fled even at its approach.

When the Georgia militia and the Indian allies had been discharged, the next object was the disposal of the prisoners. Arbuthnot and Ambrister were brought before a court martial. The charges against Arbuthnot were,

‘Exciting and stirring up the Creek Indians to war against the United States, he being a subject of Great Britain, with whom they were at peace.

‘Acting as a spy, aiding, abetting and comforting the enemy, and supplying them with the means of war.

‘Exciting the Indians to murder and destroy William Hambly and Edward Doyle, and causing their arrest with a view to their condemnation to death, and the seizure of their property, on account of their active and zealous exertions to maintain peace between Spain, the United States and the Indians, they being citizens of the Spanish government.’

Hambly, the person against whose life Arbuthnot was alleged to have practised, was allowed to testify *what he had heard* the Indians say of the pris-

oner.* This was the first time mere hearsay was ever received as evidence before an American tribunal, military or civil. At the same time Ambrister was not permitted to testify in Arbuthnot's favor, because he was under arrest on similar charges. By the common consent of all civilized nations no man is presumed guilty till proved to be so, and no one is disqualified from bearing witness till convicted of some infamous crime ; not even then : an infamous person may testify, and the jury may believe him or not : it rests on their discretion. Hambly, too, traded in opposition to Arbuthnot, and had an interest to wish him ill.

It appeared by the evidence against Arbuthnot, such as it was, that besides what we have already specified, he had induced the fugitive Creeks to believe that the British government would assist them to recover their lands *vi et armis*. He had written to the British government, the British ambassador at Washington and the governor of the Bahamas in their behalf. He had sold the Indians powder and ball, which might be used in war as well as the chase. He had induced the Indians to make prisoners of Hambly and Doyle, by representing these as having brought the American forces upon them. While the American troops were marching on Mickasucky he had written to his son to secure his property, and to advise the Indians by no means to give battle, but rather to save themselves by flight.

The prisoner did not deny the jurisdiction of the court, which found him guilty of the first charge, and of so much of the second as did not relate to

* See the Record.

being a spy. They decided that they had no jurisdiction over the third. Nevertheless they sentenced him to be hung.

We are ignorant what article of war or law of the land makes 'exciting the Indians to murder and destroy, &c.' two Spaniards, a capital crime. Nor do we know how exciting a foreign people to war can render a foreigner amenable to an American court-martial. The accusation of having supplied the enemy with the means of war was absurd. Arms and ammunition are the staple of the Indian trade, and without them it could not be carried on. A considerable part of the revenue of our government is to this day derived from the demand of the Indians for such articles. Even were doing so a crime, Arbuthnot never supplied the savages with such articles within our territories. If the simple act be criminal, then are hundreds of respectable American citizens guilty unto death. Every Indian trader who has furnished an Indian with a weapon with which he has committed a murder deserves to die as much as Arbuthnot did. The utmost the laws of nations allow in such cases is to seize the 'contraband of war,' or arms and ammunition, when carried by a neutral to the enemy. If Arbuthnot had been an American citizen, not one of the charges against him was a fit subject for the discussion of the court-martial excepting that of being a spy, and of that he was acquitted. What almost makes these deplorable proceedings laughable is, that half the members of the court-martial were not even officers of militia, having derived their rank and authority from no other source than the will and pleasure of general Jackson. We may safely challenge the general's friends to produce a

passage in Macartney, Adye, or any other approved writer on martial law, that justifies such proceedings.

Ambrister was charged with

‘Aiding, abetting and comforting the enemy and supplying them with the means of war ; and leading and commanding the Lower Creeks in carrying on a war against the United States.’

He pleaded not guilty to the first charge and denied the power of the court to arraign him on the second. However, the court pronounced itself competent and the trial proceeded.

Ambrister was a very young man, who had served in the British navy, against the United States in the southern campaign. *It is said* that he remained in Florida as a secret agent of the British government, but as there is no proof of the allegation, we must dismiss it as unworthy of notice. He had been some time at the Sowanee villages, as a trader, but not in connexion with Arbuthnot. On the approach of the American troops he had put himself at the head of as many Seminoles as he could rally, broke open Arbuthnot’s magazine, distributed the arms and ammunition it contained to his followers, and endeavored to excite them to resistance. In this he wholly failed. Such were the facts proved on his trial.*

The court sentenced him to be shot, but on reconsideration, revoked that decree and condemned him to receive fifty stripes, and to be confined to hard labor in fetters for a year.

General Jackson approved the sentence of Arbuthnot and ordered it to be executed immediately. He disapproved the reconsideration of the

* See the Records of the Court.

court in the case of Ambrister, and ordered the first sentence to be carried into effect. Strange depravity of judgment must be attributed to that American citizen who takes the power of life and death into his own hands. It is an established principle in martial, as well as civil law, that the executive power may ameliorate, but not increase the penalties of the law.

On this occasion general Jackson made this strange declaration. 'It is an established principle in the law of nations, that any individual of a nation making war upon the citizens of another nation, forfeits his allegiance, and becomes an outlaw and a pirate.'

If this be true, what were Pulaski, De Kalb, and Stuben. What was Lafayette? Lee made war against his own country in our behalf, and yet his conduct has never been questioned. Were the general's construction of national law admitted, hundreds of our fellow countrymen in arms for Grecian and South American liberty would have been in the condition of pirates and outlaws, and liable to suffer as such. Happily, so narrow an opinion is confined to its author, and a prisoner receives the same treatment as those on whose side he is taken. By the common consent of mankind any citizen of any nation may give or sell his services to any other nation. Arbuthnot and Ambrister had as good a right to enter the service of the Seminoles as Lafayette had to enter that of the United States. That they considered themselves so engaged is evident from their conduct. No other motive can be assigned to them. Their measures were not calculated to advance their private interests. No proof was ever adduced that

they were foreign agents ; on the contrary, the British government disavowed them as such. In short, with the exception of the single charge (against Ambrister) of being a spy, nothing alleged against them made them liable to be arraigned before an American court, supposing that court to have been legally organized. They were subject only to the then existing laws of Florida, on the score of their conduct toward Spanish subjects. It is not to be conceived how general Jackson or his court could fancy themselves authorized to take cognizance of any outrage committed on one foreigner by another in a foreign land.

Arbuthnot and Ambrister being murdered (we can find no milder word to express our sense of this transaction) general Jackson started again in pursuit of the fugitive Seminoles, leaving a garrison behind him in St. Marks. He had heard that some of the wretched objects of his pursuit had taken refuge in West Florida, and proceeded on the broad principle, that no hostile Indian was to be tolerated in any part of Florida. He arrived about the middle of May at the Escambia, near Pensacola, without having met an enemy. Here he received a spirited remonstrance from the governor of West Florida complaining of the violation of a Spanish territory, as an act of open war, and threatening resistance.

Whatever the will of the worthy governor might have been, he had not the means of opposition, and he had to do with a man not easily to be turned from his purpose. General Jackson had heard that a few of the fugitives had passed through the town and encamped on the opposite side of the bay, whither he determined to follow

them. Perhaps he was in some degree actuated by a desire to show the governor the respect in which he held his remonstrances. He took possession on the 24th, without resistance ; the governor and the military having fled to Barancas for protection. The next day our hero invested the fort in form and bombarded it two days, when it was surrendered. What good the general proposed to attain by this unnecessary and wanton act of hostility does not appear. Perhaps he believed the government would hold his conquest.

Whatever his views were, it is certain he made a tyrannical use of his ill-gotten power. He pulled down the Spanish flag, hoisted his own in its place, and shipped the governor and officers of the garrison to Havanna. This was a hard case, for many of them had families and property, which they could not well leave or carry away. Nevertheless they were obliged to yield to force. The general did not stop here ; he appointed a civil and military governor and a collector of the port. The former was authorized by him to appoint subordinate officers, to collect the revenue, to administer the laws, and in short, to take such measures as if the general's conduct was to have passed unquestioned, and Florida to have remained a permanent possession of the United States.*

We now proceed to relate the events which led to a correspondence between general Jackson and governor Rabun, of Georgia. A body of Indians from the Hopponee and Philemmee villages on Flint river had committed such depredations on the frontier of Georgia as governor Rabun believed

* All the public prints.

called for summary punishment. A party of the Georgia militia had been called into the field by the governor before, and from these he selected a captain Obed Wright to execute his purpose. This man was ordered to destroy the towns above named, and was not slow in obeying what he thought the spirit of his instructions.

He was unfortunately advised that the chiefs of the offending bands were at Chehaw. He reached that town on the 22d of April, put the few men he found to the sword, drove the non-combatants out, burned the dwellings and destroyed or carried off all property of every description. The people of Chehaw had certainly no reason to expect such a visitation. The men were of those who had fought by general Jackson's side through the Creek war, and most of them were now marching under his orders against Spain and the Seminoles. Those who remained had given no offence to any white person whomsoever, unless receiving the visit of the hostile chiefs be so considered. It has never been ascertained whether the victims sought were among them at the time of the attack or not, but if they were, captain Wright does not the less deserve to be held in execration.

The surviving chiefs of Chehaw made a humble representation of their distress to the Indian agent, who ordered the property of which they had been robbed to be restored, promised them indemnification, and assured them that captain Wright should be punished.

News of this event reached general Jackson on the 7th of May, and filled him with righteous indignation. It is pity that the expression of it was indecorous. He wrote to governor Rabun in great

wrath, saying, it appeared to him strange and unaccountable that the governor of a State should assume the right of making war on a peaceable Indian tribe under the protection of the United States, 'You, Sir,' the general pursued, 'as the governor of a State within my military division, have no right to give a military order while I am in the field.' A strange doctrine, truly; that the appointment of a major-general should abrogate the powers of the executive of any State near which he may be. What the general added was more honorable to him. He informed governor Rabun that Wright must be punished for his outrageous conduct, and that he had ordered him to be arrested and put in irons.

The governor, in his answer, agreed with the general that Wright deserved punishment, and informed him that he had taken the proper measures. He spoke of the principle advanced by the general with much warmth. 'Wretched and contemptible indeed must be our situation,' he said, 'if it be a fact as you state, that a governor of a State has no right to give an order while you are in the field. When the liberties of the people of Georgia shall have been prostrated at the feet of a military despotism, then, and not till then, will your imperious doctrine be submitted to.' The governor farther informed the general that Wright had never been under his, the general's, command, and that he should continue to think and act for himself, without regard to his wishes or opinions.

Our hero replied; counselling governor Rabun to become better acquainted with the laws of his country, before entering into controversy with him touching their relative powers and duties. It must

be owned that this advice would have come from any other quarter with a better grace. The governor retorted by advising the general to study the orders of his superiors with more than habitual care, before undertaking another campaign. So ended this shameful correspondence, with no other effect than showing the want of dignity and temper on both sides.*

Previous to retiring from his command general Jackson gave orders to general Gaines to seize St. Augustine, in case he could find proof that any of the hostile Indians had received comfort or entertainment there. The order was never acted upon. This done, our hero disbanded his volunteers and returned to Nashville.

* See the Correspondence, which confirms all we advance, and more.

CHAPTER XI.

Summary of the Seminole war. Demands of the government of Spain. Proceedings of Congress. Mr. Adams. Mr. Clay. Report of a committee of the senate. Report of a committee of the lower house. Opinions in the cabinet. Mr. Jackson appointed governor of Florida. His official proceedings. His opinions. Arrest and maltreatment of Don Jose Callava. Spanish officers banished. Violation of the treaty. Governor Jackson resigns.

In summing up the history of the Seminole campaign we find nothing of which our country can be proud. It ought rather to be called the Seminole hunt than the Seminole war. About fifty hostile Indians and negroes were put to death and twenty of our Indian allies were also killed, but no white man was slain in the expedition. Two prisoners, not taken in arms, were put to death in cold blood, without trial or ceremony, and two Englishmen were barbarously murdered. Several hundred Indian huts were burned, and several hundred Indians driven into exile. Florida was invaded the second time, and violent hands were laid on the Spanish executive and his subordinates. In a few weeks affairs returned to their former position. The Spanish government required that the acts of our army should be explicitly disavowed, that every thing should be restored to the state it was in before general Jackson entered the Floridas, that reparation should be made for all

losses, and that the commanding general should be punished. With each and all of these demands, excepting the last, our government thought fit to comply.

In a moral point of view, the Seminole hunt is more important. It became a subject of warm discussion in both houses of Congress, and the conduct of general Jackson had many distinguished censurers. Mr. Adams defended it, and it seems a just retribution that he should have been pushed from his seat by the man he blindly saved from righteous rebuke. Perhaps he was aware that the national honor must have been tarnished in the investigation, or was grateful for the past services of the general. Mr. Clay had a better perception of the case, and exerted his eloquence powerfully, though in vain, to communicate it to others. Committees of both houses reported very unfavorably for our hero, and as their reports shed more light on the affair than anything we are capable of writing, we will give extracts from the report of the committee of the senate.

This document says, 'Your committee would feel themselves wanting in duty did they not express their decided disapprobation of the course taken by the commanding generals to raise and organize troops. It is with regret they are compelled to declare that they conceive general Jackson to have disregarded the positive orders of the department of war, the constitution and the laws; that he has taken on himself not only those powers delegated to Congress, and of the president and senate as it relates to appointments, but of the powers expressly reserved to the States in the appointment of officers of militia. The committee

find the melancholy fact before them, that military officers, even at this early stage of this republic, have without the shadow of authority raised an army of twenty-five hundred men. Two hundred and thirty officers have been appointed, from a brigadier-general to the lowest subaltern. To whom were these officers accountable? Not to the president, for it was not considered necessary even to furnish him with a list of their names, and not till the pay-rolls were made out and payment demanded were the persons known to the war department. General Jackson seemed to consider those officers of his own creation competent to discharge all the functions of officers appointed by the general or state governments, for we find five of them detailed to act on a trial of life and death. On the same principle might he not have tried, condemned, and executed any officer of the Georgia militia, by a court composed of officers created by him and holding authority by the tenure of his will?

‘The constitution declares, “Congress shall have power to declare war, grant letters-of-marque and reprisal, and make rules concerning captures on land and water.” Surely it was never designed by this provision, that a military officer should first make war and afterwards leave it to Congress to declare it. It is sufficient to say that the executive, much less a subordinate officer, has no power to change the pacific relations of the nation. The president is constitutionally bound to preserve peace till Congress declares war; he can only in peace use the military force of the nation in three specified cases; to execute the laws, to suppress insurrection, and to repel invasion. It will not be

pretended that Spain had invaded the United States, or that Congress had declared war against that nation. The question to decide is whether the conduct of general Jackson was not war against Spain. And on this subject there can be no doubt.'

The report of the committee of the lower house was based on the unnecessary execution of the prisoners when the war was over, the unfairness and illegality of their trial, the erroneous principles of national law advanced by the general, and the death of one contrary to the sentence of the court-martial.

The report of the committee of the senate being made near the close of the session, no vote was taken on the subject. The report of the committee of the lower house afforded a subject of vehement discussion, and was finally rejected by a majority of one hundred to seventy. In neither committee did all the members concur in the report.

Wroth was general Jackson at these expressions of disapprobation. He went to Washington to defend his character, but only made the matter worse. While there he indulged in very abusive language and invectives against those members of Congress who had blamed him most severely. He armed himself, and started for the capitol, with the avowed purpose of cutting off the ears of one of the senators, who had most severely animadverted on his conduct.* But commodore Decatur met him on the way and by timely remonstrance prevented him from executing his purpose.

* Senator Lacock's letter.

The propriety of punishing general Jackson was discussed in the cabinet also, and the opinions of its several members have been made known; by which it appears that the public course taken by Mr. Adams was against his real ideas of equity. He said that 'shooting was too good for our hero, if he had been a subaltern officer.' Mr. Monroe thought that if a young officer had acted like the general, he might safely be punished. Mr. Calhoun was for having the offender punished, or according to his own account, for having him tried by a court of inquiry or court martial. From the whole of their proceedings it appears that every member of the cabinet, and the president himself, was of opinion that the general had committed outrages on the constitution, and that the result of their council was a resolution that it was inexpedient and impolitic to punish him.

It seems too from these curious disclosures,* that general Jackson very well knew he was about to exceed his powers at the commencement of the Seminole campaign, and that he acted as he did, thinking to please president Monroe. He had written a letter to the president giving it as his opinion that Florida ought to be occupied. He added that as this was a delicate question for the executive to decide upon, he would take the responsibility of the measure on himself if the president would but give him a hint so to do. At least, such is the statement of Mr. Crawford, who avers that he saw the letter. He says too, that the production of the document had a great weight with

* Correspondence between president Jackson and Messrs. Calhoun and Crawford.

the council, which Mr. Calhoun denies. The odium of a falsehood rests between them.

It is also apparent that Mr. Monroe endeavored to induce general Jackson to exonerate the government from the responsibility of the occupation of Florida by holding out to him the chance of all the fame the people might award to the action.* Had it involved the nation in a war with Spain or the holy alliance, as in the natural course of events might have been expected, the fame would have been little desirable.

But the general refused to be cajoled, and said that the discretionary power that had been given him should be the ground of his justification if it should become necessary for him to defend himself. He had been ordered, he said, to do his best to terminate the war, and that general order should cover all he had done.† That is, he believed himself to have been vested with the powers of a dictator. According to his version of his instructions he might have invaded Cuba, for the authorities there were obnoxious to the same imputations as those of Florida.‡

This was not the first time that general Jackson had done the deed, and then advanced some absurd, untenable principle to justify it. It seems as if he would often, if he could, have broken down as well through all restraints.

The death of Arbuthnot and Ambrister was discussed in the British parliament, when it was decided that as they had left their own country, and

* See his letter of July 19, 1818, to general Jackson.

† General Jackson's reply.

‡ For all these facts see the published correspondence of the parties concerned.

joined the ranks of another, they were liable to be treated in the same manner as those with whom they associated, and that their execution gave Great Britain no cause of complaint.

After the events we have recorded nothing worth mentioning happened to our hero till the spring of eighteen hundred and twenty-one. The army being then reduced, he was left out ; but did not, however, remain in the rank of a private citizen. Florida was, by the treaty, to be ceded in August, and in June general Jackson was appointed governor of the whole territory, with the same powers before exercised by the Spanish governors. These, as Congress had not framed any system of laws for Florida, were necessarily in some measure discretionary. At the same time Eligius Fromentin was appointed chief-justice.

The Spanish officers yielded their several commands on the day appointed by the treaty, and governor Jackson proceeded to devise ordinances for the government of Florida. He divided the territory into two counties, without regard to the former distinctions of East and West Florida. The lands west of the Sowanee river constituted one of his counties, under the title of Escambia, and those east of that river the other, which he called St. John's. The governor's jurisprudence was based on his own will, and may be best understood by a reference to one of his letters on the subject,* in which he said, ' the Spanish laws and usages are in force. The constitution of Spain, providing for the trial by jury in criminal cases, was never extended to the colonies, because the

* To Captain Bell.

treaty ceding the Floridas was concluded before the constitution was adopted in Spain.'

This declaration has been regarded by many as out of the character of a republican governor of a territory, which was intended for a member of the Union. The freeman's best right, the trial by jury, was not to be extended to those who had become American citizens: their condition was to be improved by substituting the will of an individual for that inestimable privilege.

The governor acted upon his impression: his ordinances went to declare what the laws of Spain were, or, what is more probable, if we consider the extent of his legal knowledge, what they were not. He was also of opinion that judge Fromentin had no power, at that time, as appears from another of his letters. 'The judge can exercise no other power (than to explain the Spanish laws) unless specially given him by the president, (except so far as relates to carrying into effect the acts extended over the Floridas.) Such instructions have not been given, and I doubt very much whether the president could give them. There is no doubt that the person exercising the power of governor of Florida can exercise all the powers exercised under the king of Spain at the time the country was ceded.' Every one knows that the power thus claimed by our hero was despotic and unlimited. It is singular that this assumption of regal sway has always escaped the notice of those who admire Mr. Jackson for his democratic principles.

Let us see how governor Jackson's principles wrought in practice. By the treaty of cession all the public archives and documents relating to the

‘property and sovereignty of the country’ were to be given up with the province. The governor interpreted this as including papers relating to private property and demanded that four such documents, in the possession of the late Spanish governor Callava, should be delivered to him. Callava refused to yield them, alleging that they were not such as the treaty designated. Instead of serving a civil process, as, if indeed he had a right to them, he should have done, the governor mustered an armed guard, and ordered them to seize the papers and take Mr. Callava into custody.

The guard found the ex-governor in bed, too sick to go with them, but on hearing the officer order his men to prime and load, he rose. The defenceless gentleman was then dragged before governor Jackson.

He asked permission to put his thoughts in writing, as he was unable to speak English, and it was granted. After he had written a few lines, one of governor Jackson’s assistants looked over the paper, and observed that he was writing a protest against the governor’s jurisdiction. Mr. Jackson ordered the paper to be taken from colonel Callava, and after speaking with much warmth for some minutes informed him that he should not be permitted to protest. By the laws of the United States the prisoner had a right to be heard, and by refusing to listen to his plea governor Jackson virtually condemned him unheard, which is the highest violation of all the principles of jurisprudence. None of our courts refuse to hear exceptions to their jurisdiction.

Colonel Callava asked our hero (through the medium of an interpreter) if he had no compunction,

and insisted on making his protest. Mr. Jackson answered, that 'he might protest before God himself, if he pleased, but he would account for what he did only to his own government.' Colonel Callava was then committed to prison, while the soldiers were searching his house for the desired papers.*

The friends of the prisoner applied to judge Fromentin for a writ of *habeas corpus*, which was granted without hesitation. The governor paid no attention to it, but issued an order to bring the judge before him, to answer for a contempt of his authority. This led to a violent controversy between the judge and the general touching their respective powers, and, as might have been expected, right was compelled to yield to might.† Governor Callava's right to detain the papers before mentioned became the subject of several newspaper articles, written by some of the late Spanish officers; men who had families and property. These too the American governor apprehended for an alleged contempt. Their offence was, having questioned the capacity of the interpreters who assisted at Callava's examination. To complete his tyranny the governor issued a proclamation ordering them to leave the province forthwith. Shortly after two of them ventured to return, to look after their affairs, and were arrested and thrown into prison by the governor's order. Fortunately for them, after a misrule of seven months governor Jackson resigned, and the president gave orders for their discharge as soon as he heard of their arrest. At the same time that these abominations were being acted, the person deputed by

* Statements of Mr. Brackenridge and Colonel Callava.

† See the correspondence.

our hero to act for him in East Florida treated the ex-governor of that province precisely as governor Callava had been treated.

One article of the treaty provided that the inhabitants of Florida should be incorporated into the Union as soon as it should be practicable, and that in the mean while they should enjoy all the rights and privileges of citizens of the United States. Notwithstanding this stipulation governor Jackson passed an ordinance allowing the inhabitants of Florida twelve months to abjure allegiance to foreign powers, failing in which they were not to be 'entitled to any of the rights, privileges and immunities of citizens of the United States, but to be considered as foreigners to all intents and purposes, subject to the laws of the United States in relation to aliens.' Each individual was to pay three fees, of a dollar each, for the privilege of making the required declaration.*

Now the treaty absolutely and unconditionally secured the rights of American citizenship to every inhabitant of Florida. None could be required to make declaration or pay fines as preliminaries. The ordinance seems to us to imply the power of abrogating the treaty in making the right of citizenship depend on the payment of fees, and in disfranchising whoever should not conform to its requisitions.

Congress was of our opinion. An act was passed the next year declaring the ordinance null and void, ordering the punishment of whoever should attempt to enforce it, and directing the fees that had been paid to be refunded.†

* See the 'Ordinance.'

† An act to relieve the people of Florida from the operations of certain ordinances.

It is painful to write the life of one who seems to have done so few good actions, but the place this bold man has held and still holds in the public mind renders it necessary. It seems as if Mr. Jackson had come into the world for the sole purpose of violating decency, humanity, and every law of every land through which he was to pass. We can find few acts of his life, of any importance, that do not disgrace him. It is melancholy, but so it is. The facts we have related are matters of authentic record, and cannot be controverted. Let any who doubt our candor read and judge for themselves, without regard to our comments.

No one can read the history of governor Jackson's reign, for a reign it was, in Florida, without seeing the violence and disregard of moral and legal obligations that had become habitual to him. No one can help seeing many manifest violations of the constitution, nor have his best friends been able to furnish any better plea in his behalf than that of necessity. Of the necessity for his conduct let our readers judge from the facts. He was probably ashamed of it himself, for he couched his resignation in these terms; 'I am clothed with powers which no one, under a republic ought to possess; and which, I trust, will never again be given to any man.'

CHAPTER XII.

Mr. Jackson is nominated a candidate for the chief magistracy. Views of his party. Mr. Adams. Mr. Clay. Mr. Crawford. Mr. Calhoun. Provisions of the constitution. Electoral votes. Table of them. Mr. Buchanan's corruption. Mr. Eaton's opinion of Mr. Jackson. Intercourse of Messrs. Jackson and Buchanan. Mr. Clay's decision.

Mr. Jackson now returned to Nashville, where his friends were busy preparing new employments for him. In May, 1822, the legislature of Tennessee nominated him a candidate for the highest office in the gift of the nation. In the autumn of the same year he was elected a member of the senate, where his situation was peculiarly delicate. At the next session a new tariff was enacted. Mr. Jackson's constituents were in favor of it, but the southern States, which were his warmest supporters, considered it 'a bill of abominations.' As he had come into Congress an avowed friend of the tariff he was obliged to vote for it, but to avoid utterly losing the favor of his southern friends he finally voted for a reduction of the duties on wool and cotton.

When the question, who should succeed president Monroe began to be agitated, party rage ran high; a very strong excitement prevailed throughout the union. Never had such bitterness of feeling toward each other been known among the

people of the United States before, and never had the press taken such unbridled license. The old parties of federalists and democrats had almost ceased to exist, and in their place five new ones had been formed, all agreeing in the same general principles of government. Yet, though without the pretence of any great public good in view, the friends of the several candidates displayed a zeal never before seen in this country, and which has made many judicious men fear for the permanence of our republican institutions.

Military reputation, always more dazzling than any other, had given Mr. Jackson a greater popularity than any other candidate. His pretensions were, indeed, at first regarded with scorn by almost all educated men, but unfortunately the educated do not constitute the majority of this or any other nation. A great many of this class were in time attracted to his side by a corrupt motive. The presses in his favor gave out that he would follow what they pretended was the example of Jefferson, in punishing his friends and rewarding his enemies. In other words, it was expected that he would remove from office all who should oppose his claims, and substitute those who should most promote his election in their places. This gave his party an energy the others wanted, and enlisted on his side many who were dissatisfied with their condition in life.

A doctrine better calculated to subvert civil liberty could not be devised. It strikes at the freedom of the elective franchise, promises corruption a reward and integrity a punishment. It perverts the press from its legitimate purposes, as was seen, for the most shameless and reckless papers

that ever disgraced America, were established all over the country to support Mr. Jackson. The principal of these was the *Telegraph*, published at Washington. Had the same inducements been held out by the other candidates the evil might have been counteracted in some measure, but such was not the case.

The Jackson newspapers were indefatigable in displaying the military services of their candidate. The battle of New Orleans was their principal theme. If it was asked, 'Is Mr. Jackson a scholar?' they answered, 'he won the battle of New Orleans.' If it was said that he had never been distinguished as a lawyer, legislator, statesman or politician, they answered, 'he won the battle of New Orleans.' Against his manifold violations of moral principle, humanity, law and the constitution, they set the battle of New Orleans. In short, his conduct on that occasion was represented as the *ne plus ultra* of human perfection, as standing in the place of every qualification and as a sufficient atonement for every crime and error of which he had been, or of which human nature might have been capable. This logic was not without its effect, and that a mighty one.

The other candidates were Mr. John Quincy Adams for New England, Messrs. Crawford and Calhoun in the south, and Henry Clay in the west, all of them statesmen of the first order. Mr. Adams had all his life been trained to the duties of the executive department. He had held the office of secretary of state with high reputation under president Monroe; he had long and successfully served his country abroad as a diplomatist; his talents were unquestionable, and

were matched by his knowledge. The chief objection brought against him was,—that he was the son of his father. His election it was urged, would savor too much of hereditary monarchy.

We have nothing to say in favor of the western candidate, Mr. Clay. His name is too intimately connected with his country's glory to need eulogium here. His friends were the friends of the system of internal improvement and American manufactures, of which he had ever been the advocate.

Mr. Crawford had been a competitor for the presidency with Mr. Monroe, and stood almost as high in the public esteem as the latter at the time of his election. He had been ambassador at the court of France, in which situation he had done honor to himself and the people he represented. He had also long superintended the treasury with universal approbation. We are not aware that any serious objections were made against him when a candidate, though some have been started since.

Mr. Calhoun was first a distinguished member of Congress, and afterwards head of the war department under Mr. Monroe. His talents could not fairly be questioned, but his political enemies alleged that his political course had been crooked and mysterious. As secretary of war he had not won much honor. Many opined that his plan for organizing the army was injudicious. The way in which he distributed the troops was absurd and extravagant. By sending them to very remote stations, as for example, St. Peters and Council Bluffs, the government incurred enormous expense while no good was attained.

Such were Mr. Jackson's political rivals. Mr. Calhoun did not long stand in his way. It soon became evident that his chance was a nullity, and not to divide the southern interest, his friends gave their suffrages to Mr. Jackson, it being understood that in case he should be elected Mr. Calhoun should be vice-president.

The original provisions of the constitution for the election of the executive officer were as follows. Each State was to choose electors, who were to vote for candidates. The one who had the greatest number of votes was to be president, and the other vice-president. If no one had a majority of votes, or if the suffrages were equally divided between the highest two, the house of representatives were to decide the question, voting by States. In this case he who had the majority of votes was to be president, and he who had the next greatest number to be vice-president. This system wrought very well at the three first elections; general Washington and president Adams, senior, coming in with full votes. At the fourth the case was different; the electors came to no decision, and the claims of Messrs. Jefferson and Burr were of course left to the judgment of the house of representatives. Here the imperfection of the system became manifest. Thirty-six ballotings took place before Mr. Jefferson was chosen, and this scene of difficulty and contention brought about an amendment of the constitution.

The new system required that the electors should designate the office each candidate should hold. If no one had a majority, the house of representatives were to choose one of the highest three for president.

This plan also is liable to objections. It tends to take the election out of the hands of the people, to put it into the hands of the representatives; and as the representatives are to vote by States, it gives the people of the least populous State an equal weight with those of the most populous; a thing at variance with republican principles. Moreover, it opens the way to bribery and corruption, for it must be allowed that one or two persons, representing a State, are more accessible to the hope of reward than the great mass of their constituents can be. It is easier to bribe an individual than a multitude.

The constitution of the Union leaves to the several States the mode in which the electors shall be chosen. On this occasion some of the States voted for electors by districts, in others by general tickets, and in some the choice was left to the legislature. It is not our business to discuss the evils and advantages of the several modes. We shall merely say that a unanimous choice was made by all the States but Maryland, Louisiana, Illinois, and New-York. The choice in the latter State was vested in the two houses of the legislature. The choice of the senate fell on electors favorable to Mr. Crawford, who obtained five electoral votes. The house of representatives chose twenty-six electors to vote for Mr. Adams. Mr. Clay had also four electors, and Mr. Jackson one.

Maryland gave one vote to Mr. Crawford, three to Mr. Adams, and seven to Mr. Jackson. Illinois gave Mr. Jackson two votes, and Mr. Adams one. Ohio, Kentucky, and Missouri voted for Mr. Clay. Maine, New-Hampshire, Vermont, Connecticut, Massachusetts, and Rhode-Island

voted for Mr. Adams. Tennessee, Indiana, the Carolinas, Mississippi, Alabama, Pennsylvania, and New-Jersey, entire, were for Mr. Jackson. Not to go deeper into these dry details, the state of the election will be best understood by reference to the following comprehensive table.

| <i>States.</i> | <i>Adams.</i> | <i>Jackson.</i> | <i>Crawford.</i> | <i>Clay.</i> | <i>Adams.</i> | <i>Jackson.</i> | <i>Crawford.</i> | <i>Clay.</i> | <i>Total popular Votes.</i> |
|-------------------|---------------|-----------------|------------------|--------------|----------------|-----------------|------------------|-----------------------------|-----------------------------|
| Maine, | 9 | | | | 6,370 | | 2,380 | | 9,950 |
| New-Hampshire, | 3 | | | | 3,000 | | | | 3,000 |
| Massachusetts, | 15 | | | | 30,487 | | 6,616 | | 37,103 |
| Rhode-Island, | 4 | | | | 2,115 | | 200 | | 2,315 |
| Connecticut, | 3 | | | | 7,569 | | 1,973 | | 9,517 |
| Vermont, | 7 | | | | 3,000 | | | | 3,000 |
| New-York, | 26 | 1 | 5 | 4 | 39,666 | 1,500 | 7,506 | 6,000 | 51,000 |
| New-Jersey, | | 3 | | | 9,215 | 10,233 | | | 19,503 |
| Pennsylvania, | | 23 | | | 5,105 | 35,393 | 4,136 | 1,701 | 47,135 |
| Delaware, | 1 | | 2 | | 1,500 | | 3,000 | | 4,500 |
| Maryland, | 3 | | 1 | | 14,632 | 14,523 | 1,361 | 695 | 34,214 |
| Virginia, | | 7 | 21 | | 3,013 | 2,290 | 7,512 | 1,641 | 11,524 |
| North-Carolina, | | 15 | | | 7,000 | 5,415 | 13,621 | | 26,036 |
| South-Carolina, | | 11 | | | | 7,500 | | | 7,500 |
| Georgia, | | | 9 | | | | 6,506 | | 6,500 |
| Ohio, | | | | 16 | 12,280 | 18,489 | | 19,255 | 50,024 |
| Kentucky, | | | | 14 | | 6,326 | | 16,943 | 23,269 |
| Tennessee, | | 11 | | | 216 | 20,197 | 312 | | 20,725 |
| Louisiana, | 2 | 3 | | | 2,000 | 3,600 | | | 5,000 |
| Mississippi, | | 3 | | | 1,694 | 3,254 | 119 | | 5,067 |
| Indiana, | | 5 | | | 3,093 | 7,313 | | 5,315 | 15,751 |
| Alabama, | | 5 | | | 2,417 | 6,443 | 1,630 | 67 | 10,607 |
| Illinois, | 1 | 2 | | | 1,541 | 1,272 | 347 | 1,047 | 4,707 |
| Missouri, | | | | 3 | | | | No return of popular votes. | |
| 24 States, | 61 | 99 | 44 | 1 37 | 166,112 | 113,733 | 60,315 | 52,667 | 123,357 |

We believe this table is correct. In those States where the electors are chosen by the legislatures, the popular votes are computed from an ascertained ratio of the actual votes, with the number of voters in the other States, and distributed according to the proportion of electoral votes for each of the candidates. Thus we have attributed all the popular votes of Vermont, where he had all the electoral votes, to Mr. Adams. In New-York they are divided according to the number of electoral votes each candidate received. In like manner Mr. Jackson is allowed all the votes of South Carolina, &c.

As soon as the results of the State elections became known, it was evident that the choice of a president must devolve on the house of representatives, and it was generally supposed that the members of Congress from such States as had shown any decided preference would vote in conformity with the wishes of their constituents. It was next to certain that Mr. Clay could not be the successful candidate, yet as he had the entire votes of three States, he was able to exercise an almost decisive influence on the election. Every effort was, therefore, made by the partizans of Messrs. Adams and Jackson to induce the 'Clay members' to vote for their respective favorites.

In this state of things, and as soon as it was known which of the candidates was returned to the house, a Mr. Buchanan, a member of Congress from Pennsylvania, and a warm friend to Mr. Jackson, conceived a plan to procure the vote of Kentucky, which he immediately endeavored to carry into effect. He knew that Mr. Clay was extremely popular in Kentucky, and that the people of that

State were very desirous that a member of the cabinet, if not a president, should be chosen from among them. He was also aware that Mr. Adams was much disliked by the members friendly to Mr. Jackson, and on these two pieces of knowledge he founded his hopes.

Confirmed in his design by the counsel of a friend, he called on Mr., since secretary Eaton, the colleague and bosom friend of Mr. Jackson. He told Mr. Eaton it was notorious that the friends of Mr. Adams were making overtures to the members from Kentucky. Whether this were true or not we cannot say ; but it is certain that if he had said the friends of Mr. Jackson were about to make such overtures, the statement would have been verity. At least Mr. Johnson, one of the Kentucky members, has declared, (and his statement has never been contradicted) that he received the most direct overtures from the friends of Mr. Jackson, Mr. Kremer and others. Mr. Buchanan opined that our hero ought 'to fight the partizans of his rival with their own weapons,' inasmuch as he thought the opinion that Mr. Jackson would retain Mr. Adams likely to do the former injury. To avoid this he thought the general should name his intended secretary of state, and desired Mr. Eaton to mention the matter to him.

Mr. Eaton, if his own statement is to be believed, entertained an opinion of his friend which was belied by the event. He thought he would not so far forget his dignity as to answer any such question, and told Mr. Buchanan so. The other replied, that if Mr. Jackson would but say he would not appoint Mr. Adams, 'that would answer.' Mr. Eaton expressed his conviction that his friend

would give no pledge, positive or negative, and desired Mr. Buchanan to ask his questions himself. This advice Mr. Buchanan concluded to follow.*

Accordingly he called on Mr. Jackson the next day and solicited a private interview. He premised that he had something to say, as a friend, that might possibly be disagreeable, and hoped that it would not break friendship between them. There was a great intrigue in agitation, he said, and he thought it but right that Mr. Jackson should be informed of it. Our hero replied, that from his high standing as a gentleman and member of Congress, as well as from his uninterrupted friendship for himself, he could not by any means suppose Mr. Buchanan would make an improper communication. At any rate he promised to take no offence. Having thus disposed of the preliminaries, Mr. Buchanan proceeded to open his political budget.† But as the soldier and the civilian do not agree in their recollections of this important conversation, it will be but fair to give both editions of the story.

According to Mr. Jackson, Buchanan proceeded to say that he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them. The nature of these alleged overtures he stated to be thus: they promised that if the 'Clayites' would unite in promoting the election of Mr. Adams, Mr. Clay should be his secretary of state. To persuade the 'Clayites' they urged, that should Mr. Jackson be elected, Kentucky would be excluded from the cabinet, that candidate having determined to appoint Mr. Adams. Now, if Mr. Jackson would say, or per-

* Mr. Eaton's statement. † See the letters of both parties.

mit any of his confidential friends to say, that he would in no case continue Mr. Adams in office, Mr. Buchanan said the Jackson and Clay parties would unite and put an end to the contest at once. He thought it would be right to turn the weapons of such intriguers against themselves.

This impertinent, corrupt and scandalous proposal did not awaken Mr. Jackson's indignation. We trust the occasion justifies the severity of our terms. A member of Congress is certainly impertinent when he asks a question of a candidate for the presidency to answer which must compromise the dignity of the latter. A member of Congress who proposes to corrupt the members of that body, certainly merits the language we have used. However, Mr. Jackson did not hesitate to reply. He said his only guide in public or private life was principle, and that he would never become president in opposition to the wishes of the people. He requested Mr. Buchanan to inform Mr. Clay and his friends that he would rather the earth should yawn and swallow them all, and himself with them, than attain the object of his ambition by such bargain and corruption. If they had not confidence to believe that he would call the first virtue, talent and integrity to his aid, he desired them not to vote for him. Such was his reply, as stated by himself. 'Fine words, brave words; very exceeding pyet words; yet in my mind a lippy of bran were worth a bushel of them.'

Mr. Buchanan states, to the contrary, that Mr. Jackson expressed his perfect willingness to answer the question. He (Mr. Jackson) said, that he had never said or intimated that he would or would not make Mr. Adams one of his cabinet. The

rest of his reply was a series of heroics, and Mr. Buchanan was authorized to repeat his sentiments as he should think proper. It is probable that Mr. Jackson's manner was not so ambiguous as his speech, for Mr. Buchanan conceived himself to have received such an answer as he had expected. He was so well satisfied with what he had elicited from 'the hero,' that he assured some of the Kentucky members that Mr. Jackson intended to offer the department of state to Mr. Clay, if elected.*

Our readers must decide how far a candidate for the presidency conforms to the rules of propriety, when he authorizes a partisan to 'operate on the votes' of voters not his friends.

Notwithstanding Buchanan's exertions the papers announced, two days after this conversation, that Mr. Clay had avowed himself decidedly in favor of Mr. Adams. Mr. Clay's friends adopted his views, and Mr. Adams was, consequently, elected. In this Mr. Clay acted in opposition to the legislature of Kentucky, which had passed a vote to instruct their representatives to vote rather for Mr. Jackson than Mr. Adams. Supposing the will of the constituents to be binding on their representative to the fullest extent, still Mr. Clay was right. He knew that that portion of the population of Kentucky whose suffrages had given him a seat in Congress were opposed to Mr. Jackson. He was also convinced of Mr. Jackson's utter unfitness for the office.

The members who voted with him were no doubt actuated by a desire that the West should ultimately give a president to the United States.

* Amos Kendall, who, when he argues against his own side, may, perhaps, be deemed authority.

They thought it a matter of course that Mr. Clay would be appointed secretary of state by Mr. Adams, and considered that office a stepping stone to the presidency. They moreover believed that by giving their weight to the East, they should secure its support at the next election. It does not appear, however, that any one of them acted with a view to personal advantage, or that any pledge passed between the parties.

CHAPTER XIII.

Mr. Clay is calumniated. His conduct. 'Honest' George Kremer, Messrs. Jackson, Beverly, and Clay. Mr. Jackson's statement. Buchanan's contradiction. Remarks on the election. Mr. Jackson's partisans. Their views. Results of Mr. Adams's administration.

After Mr. Clay had declared himself, but before the election was decided, an article appeared in an obscure and scurrilous Jackson paper, charging him and his friends with having made that corrupt bargain with Mr. Adams, which Mr. Buchanan had endeavored to effect in favor of Mr. Jackson. The paper was in some degree under the control of major Eaton. That gentleman supported it with his purse, and, as might be inferred from that circumstance, it was little known and less respected by the public. However, the slander thus published was echoed by almost every Jackson paper in the Union, whereby the editor gained, what probably he sought, notoriety. By means of this slander, believed by no candid person, the Jackson presses contrived to throw much odium on Mr. Clay. The charge was so often repeated, that many who had at first regarded it with scorn, began to think it worthy of some consideration. Unhappily, from an excess of sensibility on the point of honor, Mr. Clay brought it more into notice than before.

The article purported to be the production of a member of Congress. Mr. Clay inserted an answer in the *National Intelligencer*, declaring his belief that it was a forgery. If genuine, he pronounced the author 'a base and infamous calumniator, a dastard, and a liar.' It is to be regretted that he took such a course, but in our opinion an injury so gross ought to go far to extenuate it.

The next day a reply was published, signed George Kremer. Kremer, without distinctly avowing himself the author, offered to be responsible for the truth of the article. This man was a member of the house of representatives from Pennsylvania, an honest, well-meaning, thick-skulled personage, the obtuseness of whose intellects had made him the butt and laughing-stock of the house. It is probable that on this occasion he was merely the tool of some person more capable of design. A quarrel with such a man was out of the question. Mr. Clay, therefore, moved in the house, that a committee should be directed to investigate the charge, to the end that he might be either vindicated or punished. Kremer expressed his readiness to abide the result, but when called by the committee to furnish evidence, denied their jurisdiction, and declined to appear as witness or prosecutor. He would have made an apology to Mr. Clay had he not been restrained by Mr. Ingham.* The committee, of course, found nothing against Mr. Clay; but the slander did not die here. It has been repeated for the last six years, with additions and variations, to the great prejudice of the person most concerned. The author of it obtained

* Prentice's Life of Clay.

a temporary notoriety by no means enviable, but escaped punishment, as neither Mr. Clay or any of his friends considered him a proper object of resentment. Thus thousands of witless demagogues have been encouraged to defame the greatest and best of the nation.

One edition of this base calumny had its source in Mr. Jackson's house. That gentleman, it seems from his own account, firmly believed that in making the overture before mentioned, Mr. Buchanan acted as the authorized agent of Mr. Clay. He never scrupled to communicate this belief to his friends.* Nearly two years after the election he spoke to that effect to one Carter Beverly, and afterwards gave that person a statement of his sentiments in writing. Beverly published the letter at Fayetteville in North Carolina, not, however, before one of Mr. Clay's friends had obtained a copy of it.

Mr. Clay published a reply, rejoicing that the calumny first promulgated by George Kremer had at last been avowed by a responsible person. He indignantly denied Mr. Jackson's charge, or more properly his insinuation, and called on him for proof.

Mr. Jackson, in reply, stated the conversation that had passed between himself and Mr. Buchanan, as we have related it, but admitted that he might have done Mr. Clay injustice in attributing Buchanan's conduct to his instigation. This elicited a publication from Buchanan, in which he contradicted Mr. Jackson in several material points, and exonerated Mr. Clay from the imputation of having

* His own statement.

participated in his own unworthy proceedings.* So the controversy ended.

We should not have entered into the merits of this controversy had not our hero taken a part in it. Such being the case his biographer could not well give that part in which he was concerned without detailing all, though the affair belongs as much to the history of Mr. Clay as to that of Mr. Jackson. We are again obliged to speak of our hero with disapprobation. The first reflection that occurs to us, on a review of the whole correspondence, is, that the charge made by him was eminently calculated to serve his private ends. The only competitors he had to fear at the next election were Messrs. Adams and Clay, and his imputation implicated both. If he could have established their guilt and his own purity, his claims would have come before the public with irresistible force. This fact alone was a powerful motive, and if it exposes Mr. Jackson to injurious suspicions, it must be remembered that his ground was of his own choosing.

Again, Mr. Jackson had received a shameful communication, which, as he says, he believed emanated from Mr. Clay. Why did he not satisfy himself whether such was the fact or not by a direct question to Mr. Buchanan, instead of *presuming* Mr. Clay guilty? Why, when Mr. Clay's conduct had become a subject of public investigation, did he not give his evidence in support of Kremer's accusation? His duty as a senator certainly required him to expose an attempt at corruption. When Mr. Clay's subsequent appointment was be-

* See the Correspondence.

fore the senate for confirmation, Mr. Jackson voted against it, indeed; but why, if he knew any thing that rendered his rival unworthy of the public trust, did he not proclaim it then? If he believed Mr. Clay guilty, the information he might have given would have insured his rejection; if susceptible of proof, and it was part of a senator's duty to give it. Why did he, as he did, declare that he made no exception to the election, if he believed it to have been brought about by bribery.* Why did he leave matters so interesting and important to the public in obscurity for two years? We are compelled to believe that he never did consider Mr. Clay guilty, and that he made his final disclosure for electioneering purposes.

To return to the regular course of events—the result of the election gave huge offence to the Jackson party all over the United States. The opposition papers, at least most of them, became channels of the most virulent abuse of every distinguished personage who had favored the election of Mr. Adams, and, we are sorry to say, many of the administration prints were not behind them in scurrility. Besides the senseless clamor touching the alleged bargain and corruption, exceptions were taken to the mode of election prescribed by the constitution. It could not be denied that Mr. Adams had been legally chosen, and for want of a better argument, the displeasure of the editors of the opposition party was vented on the laws. It was argued that the subsisting provisions were not founded on democratic principles; that they took the choice from the people, and gave it to an aris-

* See his letter declining a public dinner.

ocratic body. It was contended that the representatives of those States where Mr. Jackson obtained a plurality of votes, were bound, in deference to the wishes of their constituents, and the spirit, though not the letter of the constitution, to vote for him. This principle, we believe, cannot be sustained. In no case had the people of the several States any other agency in the election than in giving their votes for electors and members of Congress. They could have no other. The representatives were as likely to express the public sentiment as the electors, and in either case the people were obliged to confide in the judgment of those to whom they delegated their power. Beside, the freemen in some States have little agency in the choice of electors. They were, in some instances, chosen by the legislatures, which renders it still more doubtful whether they expressed the will of those for whom they acted. It is almost certain, therefore, that the members of Congress, chosen immediately by the people, were as likely to promote the purposes of their constituents as the electors, who were otherwise chosen. That Mr. Adams was constitutionally elected does not admit of a doubt. We consider it equally certain that he had more popular votes than either of his competitors. By a reference to the table, it will be seen that though Mr. Jackson had fifteen more electoral votes than Mr. Adams, the latter had a plurality of twenty-two thousand three hundred and seventy-nine popular votes, allowing our calculations to be just. Had the electoral votes expressed the opinion of the people, truly Mr. Adams would have had the majority of them. It was made a matter of complaint that Maryland and Illinois voted for Mr. Adams

through their representatives, though their electors would have voted for Mr. Jackson. Let us inquire whether this was in accordance with the will of the people or not. By the table it appears, that, in Maryland, Mr. Adams had a majority of over a hundred popular votes. On pure democratic principles, that is, if the electors had been chosen by the popular voice, Mr. Adams would have had the aggregate, but by the division into districts it happened that with a minority of popular votes Mr. Jackson had a large majority of the electoral. The case was similar in Illinois. If we take the electoral votes of those two States from Mr. Jackson, and give them to Mr. Adams, the result would be a plurality of the electoral votes for the latter.

One more fact decides the question beyond controversy. In those States where Mr. Jackson obtained his great majorities, the slaves are represented in the ratio of five to three free men, and electors were chosen accordingly. Five slaves, therefore, had as much influence, which their masters exerted, as three freemen in the northern States. Take this fact into consideration, and it is perfectly plain that Mr. Adams had a very large plurality of the free votes of the United States. Thus it seems that if the voice of the majority is to predominate, Mr. Adams was the choice of the people.

We are compelled to say, that during the four years of Mr. J. Q. Adams's administration, the Jackson party, so called, was better organized, and displayed more energy, than their opponents. Interest spurred the most violent of them on. It was distinctly understood that the public officers friendly to Mr. Adams were to be removed from office, and that the most efficient partisans on the

other side were to take their places. As before, the legislature of Tennessee took the lead. Both houses recommended our hero for the presidency, and passed resolutions, in which his qualifications were ridiculously set forth. Did we not know that Tennessee was in earnest, we should take these documents for satires on her idol. He replied, by resigning his seat in the senate, alleging as a reason, that 'Congress would thereby be free in a considerable degree from that connexion with the executive, which at present gives strong ground for apprehension and jealousy on the part of the people. That, if this change in the constitution should not be obtained, and important appointments continue to devolve on the representatives in Congress, corruption would become the order of the day, and through this channel the people might expect to be attacked in their constitutional sovereignty, and tyranny might well be apprehended to spring up on some favorable emergency. It was due to himself to practise what he recommended to others.' The important principle thus declared was received with applause, and contributed much to his eventual success. Pity it has not been better observed !

Mr. Jackson's party rapidly gained ground, yet it was remarkable how few distinguished men joined it. The partisans of Mr. Jackson might be compared to the adherents of David in the cave Ab-dullam.

'Every one that was in distress, and every one that was in debt, and every one that was discontented, gathered themselves unto him, and he became a captain over them.'

Bargain and corruption had been the burthen of the popular song before ; now, they were seen in

serious earnest. If there was no definite understanding touching the price of votes, it is certain it was implied, and acted upon, and the laborers have since received their hire. All who were dissatisfied with Mr. Adams, or had been disappointed in their hopes of office, ranged themselves under the standard of Mr. Jackson. Hundreds of editors of newspapers were bribed to advocate his cause by the prospect of obtaining important appointments and the public printing. Every method was essayed to render the administration unpopular. Its every measure was rigidly scrutinized, and criticised with unsparing rigor. It was charged with extravagance, and reproached with not having obtained a participation in the British West India trade.

The private characters of the two competitors were also made topics of discussion, but in this our hero was the sufferer. Every event of his life was brought to light and examined by the friends of the administration, but the fame of the battle of New Orleans carried him triumphantly through the ordeal. His attempt to murder Benton, (now become his friend and partisan!) the circumstances of his matrimonial connexion, his lawless behavior at New Orleans and in Florida, and the illegal and needless slaughter of the six militia men, were all brought forth and examined. None of these deeds made so great an impression on the public mind as the last, and this he attempted to deny, and to throw the blame on general Winchester.* All these things availed little against him. The public mind was in a ferment; a mania pre-

* See his statement.

vailed ; every thing was excused by—the battle of New Orleans.

We will not dwell on the infatuation of the people, the imbecility of their favorite, or the utter recklessness of his partisans. Suffice it that he obtained a triumphant majority of the electoral votes. The administration had now nothing to do but to square accounts, which showed that the business of the nation had been conducted in the best possible manner. The increase of the revenue during the four preceding years, amounted to eighteen millions ; the tariff had increased the receipts greatly ; the consumption of foreign merchandize had increased eighteen per cent. ; thirty millions of the national debt had been paid, as well as the accruing interest ; fourteen millions had been applied to the national defence and to permanent improvements. Likewise, we were in every way prosperous at home and respected abroad, and the army and navy were in a flourishing condition. At the same time, it must be admitted that the principal source of this prosperity was in the necessary order of things. The administration had been useful to the country, but had effected nothing brilliant or extraordinary. Each of its members had fulfilled, but not exceeded public expectation.

During this administration, few persons had been removed from office ; not one we believe for official misconduct, or for party purposes. Nor had any appointment been made to subserve the personal views of any member of the cabinet. Also this administration had been decidedly favorable to a system of internal improvement.

CHAPTER XIV.

Mrs. Jackson's death. Inaugural speech. Threat of reform. Mr. Van Buren. Mr. Ingham. Mr. Branch. Mr. Eaton. Mr. Berrien. President Jackson's consistency. Operation of reform. Foreign ministers recalled. Removal of Mr. McLane. Mr. Barry. Observations. Mr. Jefferson's principle. Rotation in office.

Mrs. Jackson died a few days before it became necessary for her husband to repair to Washington to assume the duties of his station. This visitation is said to have borne very heavily on him, and to have affected his health and spirits.

We proceed with pain, for the subject is fraught with mortification to every true American, to *president* Jackson's career, premising that we tread in the footsteps of that excellent writer and impartial historian, Samuel Perkins, Esq. who has treated the subject with much more ability than we can pretend to do.

President Jackson's inaugural address was only remarkable for a threat, couched in the following words, which at the same time cast an unnecessary and ungenerous imputation on the administration of Mr. Adams. 'The recent demonstrations of public opinion inscribe on the list of executive duties, in characters too legible to be overlooked, the task of REFORM, which will require particularly the correction of abuses that have brought the patronage of the federal government into contact with the freedom of elections, and the counteraction of those

causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands.'

If this paragraph was intended to convey the idea that Mr. Adams had employed the patronage of the government improperly, nothing could be more false. He made few appointments and fewer removals. Most of the officers who served under his administration had been appointed long before he came into office. Almost all had claims to a continuance of employment on the score of long and faithful service.

The threat was variously construed. Few of the Adams party believed the impudent declarations that had been made by the prominent Jackson editors concerning rewards and punishments, as the words have since been understood. It was rather believed that an investigation of the conduct of incumbents would take place, and that such only would be discharged as should be proved dishonest or incompetent. Such a proceeding would have had the approbation of the people at large, however little it might have pleased the holders and expectants of offices. All concerned were soon to be enlightened, and to learn that the word *reform*, as understood by Mr. Jackson, meant corruption, as gross as that of which he had accused Mr. Clay.

President Jackson's first great measure was to organize his cabinet. We will not do the vice-president, Mr. Calhoun, the injustice to believe that his advice was regarded in the selection; whatever the different opinions of parties may be touching his political integrity, no one ever suspected him of imbecility.

Mr. Martin Van Buren was, as all the world knows, appointed secretary of state. Any account of him, or indeed of any of his coadjutors, will be needless in the United States, but as it is possible one or two copies of this work may find their way to other lands, we should not like to have it imperfect. He had long served the public in various capacities, and had the reputation of much ability, especially for intrigue.

Mr. Ingham, the new secretary of the treasury, was known to the world only as a very violent partisan in Mr. Jackson's cause. If he ever distinguished himself in any other way, it has not yet come to our knowledge. He had conducted, or at least controlled a newspaper in Pennsylvania, and had defended Mrs. Jackson against the imputations of her husband's enemies as well as could have been expected, or as the case permitted. Gratitude for this service and a desire to conciliate Pennsylvania induced the president to confer on him the appointment above mentioned. He was not the worst of Mr. Jackson's advisers.

Mr. John Branch was appointed secretary of the navy. He had been governor of North Carolina, and had represented that State in the senate. We are wholly unable to say anything of this gentleman's previous career, private or public. We believe his existence was not known to one in ten thousand of his fellow-citizens dwelling north of the Potomac. Nor has his ministerial course thrown any additional light on his character. He did nothing of consequence, unless his acceptance and resignation may be deemed such, but is said by his friends to have been much given to 'thinking.'

The secretary of war, John H. Eaton, is chiefly

remarkable for his want of education, and obtuseness of intellect. It is true, he had been a senator from Tennessee, but as Mr. Jackson himself enjoyed the confidence of that State, the fact cannot be considered a proof of ability. He is commonly called major Eaton, from having held a commission in the Tennessee militia or volunteers under general Jackson, during either the Creek or the Seminole war, perhaps in both. He was the bosom friend of Mr. Jackson and his biographer, having written a life of that worthy, in which it is hard to say which is most disgraced, the hero or the historian. The book contains scarcely a period of good English, but makes amends by abundance of fulsome adulation, by the omission of many disgraceful acts and the palliation of others. Those who have read his official letters and reports will readily grant that we do this man no injustice. Such had his services been, and Mr. Jackson thought himself highly indebted to him; being resolved, as he afterwards said, to have at least one person in his cabinet in whom he could implicitly confide. He, moreover, it is said, thought Mr. Eaton one of the best and most powerful writers in the country. This man retained his office about two years, to his own injury and the great shame and scandal of the American people.

Mr. Berrien, of Georgia, the attorney-general, was a thorough lawyer, a distinguished orator in Congress and a gentleman. Of him we must say, that the acceptance of a seat at such a board was the greatest error of his life.

Here was consistency: Mr. Jackson had declared his disapprobation of the practice of conferring appointments on members of Congress to the

Tennessee legislature, alleging that it had a tendency to corruption. His first important official act was the appointment of five senators.

The meaning of the word 'reform,' as understood by president Jackson, was now made known. It has been the uniform practice of our several chief magistrates to fill the cabinet with officers whose views and principles agreed with their own, and so much was expected of Mr. Jackson. Even the appointment of demagogues and others equally disqualified did not excite astonishment or much displeasure. Yet the people were not prepared for what followed.

It immediately became evident that the person universally despised by the name of Duff Green had not spoken without authority in promising that president Jackson should reward his friends and punish his enemies. He was himself gratified with the public printing. Herds of hungry applicants for office thronged the doors of the executive and the members of his cabinet, urging their poverty and their services. Never were such hordes of beggars seen before; it seemed as if the independent spirit of America was lost forever. A ten years' civil war could not have brought about such demoralization as did the election of Mr. Jackson. Verily the panders to the ambition of those at the head of affairs had their reward; some of them at least. Whenever it could be proved that an officer of the government had opposed the election of Mr. Jackson, or given his simple vote against him, that officer was thrust out of office, in indecent haste, and a creature of the president or one of his secretaries substituted in his place. No regard was paid to long service, unde-

niable ability and unblemished integrity. On the other hand no particular merit was required in an applicant ; if he had thrown up his cap and cried ' hurrah for Jackson,' it was sufficient. In several instances persons of infamous character were appointed, and it cannot be denied that some of them are now inmates of State prisons. Before, holding an office under the general government implied the possession of talents and virtue ; now, an official station designated its occupant as one able to live only by the prostitution of his political influence.

The evil became worse and worse ; Mr. Jackson showed himself resolved to force his satellites into office contrary to the expressed will of the senate. A man convicted of an assault with intent to murder, and one or two more, were nominated and rejected by the senate. Nevertheless, Mr. Jackson continued them in office, and renominated them.

Our ministers abroad were recalled and others sent in their places, to the manifest prejudice of the public interest. General Harrison, minister to Colombia, was recalled almost as soon as he reached the place of his destination, and another not so well or so honorably known to the public took his place. Within the year the ministers to France, Spain and Great Britain and other powers were replaced, in almost every instance, by members of Congress ; another striking proof of Mr. Jackson's consistency. In no case was any reason for the choice known, but that the individual favored had been friendly to the president's election. The evils attending this unprincipled perversion of the power of appointment are more glaring than in any other case. A

resident minister must necessarily have some experience in diplomacy, and of the court near which he resides. The new comer cannot be possessed of that advantage. This reason alone should forbid frequent changes. The delay in any business in hand must be great whenever a change takes place, for some time must elapse before an inexperienced person can learn his business. Such caprice also occasions a great waste of public money. According to the usage of our country the new minister receives an outfit of nine thousand dollars on his appointment, and is sent forth in a ship of war. The two ministers, for a while, receive their salary at the same time. Each removal, taking all these circumstances into view, costs a very large sum. Thus the caprice of president Jackson, to give his conduct no worse name, cost the United States dear, we cannot say how much.

The most important change of all was considered the most exceptionable. We speak of the removal of Mr. Mc Lean, the postmaster-general. This worthy officer was universally regarded as a man of uncommon abilities and unblemished character. He had been at the head of the post office department five years, during which he had established a reputation that no loss of executive favor can affect. He had retrieved the affairs of his department from the confusion in which he found them, and made the item of postage a branch of the revenue. During the election he had been supposed to favor the views of Mr. Jackson; but when he saw the course the latter was pursuing with regard to the distribution of executive patronage, had intimated that he would suffer no removals in his department unless for official misconduct. This

manly and independent course did not accord with the policy of the administration, and he was appointed to fill a vacancy in the supreme court. A Mr. Barry stepped into his place, a person absolutely obscure, had not his subsequent mismanagement made him known. He followed the course prescribed to him with great zeal, making upwards of five hundred changes in his first year. Great confusion ensued in consequence ; the removal of so many able and experienced officers could not but cause disorder. Mr. Barry seems to have incurred general contempt, insomuch that he has been the butt of practical wit ever since his appointment. In no department of public affairs have the evils of 'reform' been so sensibly felt as in this. Complaints of the irregularity of posts have multiplied, a great many postmasters have been convicted of pilfering from the mails, and, in short, the post office department is now, and has long been unable to defray its own expenses.

To crown all, Mr. Barry's official conduct has been the subject of legislative investigation.

The senate acted on the appointments submitted to them as president Jackson wished, in most instances. Their extra session closed on the 18th of March. Such a session has been deemed expedient to prevent the necessity of executive appointments during the recess, though the constitution authorizes the president to fill such vacancies as may arise while the senate is not in session *pro tempore*. The appointments he may make in the interim are subject to be revoked by the senate. It cannot be said that he has not the constitutional power to create and fill vacancies ; but in giving him this power it is evident that the framers of the

constitution did not contemplate the possibility of such a perversion as president Jackson carried into effect. It would be an insult to the memory of those patriots to suppose they intended to authorize the executive to make vacancies merely for the purpose of punishing his opponents or feeding his friends. The operation of 'reform,' we thence conclude, was a violation of the spirit though not of the letter of the constitution. For ninety-nine out of a hundred of the changes made, no reasons could be found but such as we have supposed to have actuated Mr. Jackson and his satellites. The administration papers openly avowed the principle, and so in one instance did he. He said without reserve, that there was an offence he would never pardon, and that those who had passed that Rubicon must expect no quarter. He meant, he said, that he would exercise his power to the injury or exclusion from office of every individual who had spoken or written disrespectfully of Mrs. Jackson. It must be granted that any honorable person must have been sensitive on such a point; nevertheless, no man should carry his private resentments into the executive chair. The only questions he should ask respecting an applicant for office should be, 'Is he honest? Is he capable? Is he faithful to (not the man, but) the constitution?'

Several reasons were urged by the ultra democrats, or 'whole hog' Jackson men, as they were designated, in support of the proscriptive system. They assumed that it was based on the principles of president Jefferson. To win the ignorant, they called it economy, retrenchment and reform. They argued that justice dictated a rotation in office, in order that the emoluments of public pat-

ronage might be equally distributed among the people. A few words on each of these heads.

Till Mr. Jefferson was elected president of the United States the country had been divided between two parties, the democratic and the federal, the latter of which held all the offices of trust and authority. When Mr. Jefferson seated himself in the executive chair the democrats had become the majority of the people. Mr. Jefferson avowed his determination to create an equilibrium of power between the parties, and to that end removed federalists from office to make room for democrats. Mr. Jackson had no such motive. At the time of his election the old parties were extinct or nearly so. Their very names were out of date. He professed nearly the same political principles as Mr. Adams, though he has since wofully departed from them. Mr. Jefferson's motive, therefore, was political; Mr. Jackson's personal. Besides, Mr. Jackson made more changes than all his predecessors collectively, and all for reasons not connected with the public interest. It will not be pretended that he knew so much as the very names of nineteen out of twenty of his protégés.

With regard to reform, as the word ought to be understood, it is clear that there was none. All of the Jackson party who applied for offices, and that description applies to a very large proportion of them, were indefatigable in the search for abuses and malversations. They had every motive, good and bad, to stimulate them. If any one of them could discover any great abuse of official trust, he gained the thanks of the public and the place of the delinquent. He was sure that his allegations would be well received at Washington. Never-

theless the most rigid scrutiny was able to detect very few cases of official misconduct among those who had served under Mr. Adams ; we believe only three or four. This is a fact of which Mr. Adams may justly be proud, and we wish that a like investigation might take place in 1833. We fear the result would not be so honorable to the party now in power.

As to retrenchment, we have already mentioned the operation of reform on our foreign relations and the post office, which may be taken as a fair specimen of its benefits. We do not pretend that every change was for the worse, but we boldly affirm that the majority were, and appeal to our fellow-citizens for the truth of the assertion. If they desire examples, let them look to the cabinet and its dependencies during the two first years of president Jackson's reign. Let them look to the post-office department. Let them look to the naval and custom-house officers in the different ports. Let them look—but why specify instances?—let them look wherever a change has been made.

We utterly abhor the doctrine of rotation, as applied to minor offices. If viewed in the light of an equal distribution of patronage, it is peculiarly absurd. If a 'Jacksonian' reform should take place as often as once a week, more than half the citizens of this Republic would die before their turn could arrive. Offices were never created for such a purpose in any country. They are for the benefit of the people and not for that of the individuals who hold them. Those should hold them who can do the business of the people best.

It may be dangerous to suffer the president and the members of his cabinet to retain their stations

long enough to form parties and acquire means to perpetuate their power. We see that now. But we cannot discern what evil can arise from permitting clerks, postmasters, &c. to remain in place while they discharge their duties with diligence and fidelity. Add, that if the tenure of such offices is to depend on the whim and caprice of the president or the heads of departments, no honest, capable man will accept them. Frequent change has more evils yet. We take it for an axiom that one who has fulfilled the duties of a post for years with general approbation, must at least be as well versed in its requisites as a novice. In such cases the public may lose by change, but cannot possibly gain. It is an old adage that sunshine is the weather for haymaking, and if an officer is to enjoy the sun for but four years, there is danger that he will spend them in speculation instead of attending to his duties. The husbandman who has a long lease of a farm, will improve it to the utmost ; it is his interest to do so ; but he whose lease is short, will make his greatest profit though he exhaust the soil. Any landed proprietor will acknowledge the force and truth of the illustration. No prudent individual changes an honest and capable agent. Why should the nation ?

When the public interest requires a change, it should be made, without regard to the inconvenience the individual removed may suffer. But where the qualifications of both candidates are equal, the voice of humanity should be heard. Few American public officers receive more than a mere maintenance, and fewer become wealthy on the emoluments of their places. Public business usually disqualifies a man for any other, and public men

marry and have children, like the rest of the world. Their discharge, therefore, occasions great private injury, and should never be the consequence of the exercise of a legal right, that of suffrage.

Rotation may be carried into the army and navy with as much propriety as the civil lists. Why not, if the principle be just, adopt it in private life, and change our tailor every time we need a coat. The evils of the system are great and manifold. The freedom of elections is prostrated by it. By it bad and venal expectations are encouraged, and the press is perverted from its legitimate purposes. *Vide* the distribution of public printing, and the cohort of rewarded editors. By it a multitude have been induced to forsake the quiet and lawful pursuits of life, in the precarious hope of reward, and to become disturbers of peace and morals. By it great private misery has been occasioned. It is said in extenuation of president Jackson's conduct, that age and infirmity have deprived him of his former energy and activity, and that these abuses were suggested by others, and effected in many instances without his knowledge. Be it so : this is our own view of the matter, and affords a palliation only, not an excuse. The man who looses a wild beast may do it ignorantly, but is not therefore the less accountable for the mischief done by the animal. We might reverse the simile, and say, that the 'hero of two wars' has often reminded us of the brute, and his cabinet of the exhibitors. For nearly two years we have seen Martin Van Buren leading the political bull by the nose, and Duff Green, in the spirit of his original occupation, following in the rear, goad in hand.

CHAPTER XV.

The president's message. The doctrines of Mr. Jackson and measures proposed by him. Whether the people can be better represented than at present or not. Of the proposed distribution of public money. Brief sketch of the Cherokee case. Extension of the laws of the southern States over the southern tribes. Their applications to president Jackson. His answer. Measures of Congress. Conduct of Georgia. Execution of Corn Tassel. Decision of the supreme court.

Farther than his labors in the cause of reform we are not aware that any of the acts of president Jackson during the first year of his executive existence merit commemoration. His message to Congress at the opening of its session in December, 1829, was an important document. It was evidently not the production of his own pen. Public opinion ascribed it to the united labors of the cabinet, and in truth there was reason, from its style, to believe that such was the fact. It is of little importance who wrote it: it was a well written State paper, and contained matter of deep interest.

The principal measures the president recommended were,

That the constitution should be amended in those provisions which prescribe how the chief magistrate shall be chosen. He wished that the choice should be made immediately by the people, without the

intervention of electors. He desired too, that the president should be ineligible for a second term.

He advised that the judiciary law should be altered so as to extend the circuit court to all the States. That the number of judges of the supreme court might not be too much increased, he proposed to divide the court into two equal sections. These were to hold alternate sessions of the supreme court at Washington, at which the chief justice was always to preside.

He recommended that no more first-rate ships should be built, but that the materials of marine architecture should rather be collected and placed in situations where they might readily be put to use.

Congress were invited to investigate the condition of the government thoroughly, in order to ascertain what offices might conveniently be abolished, and what expenses retrenched. As one part of this subject, the message recommended a new organization of the department of State, hinting at the same time that the appointment of more clerks and an increase of its expenditure, would be an improvement.

Touching the stumbling-block of offence to our southern brethren, the tariff, the president stated that it had not had any material effect on our commerce, agriculture, or manufactures. While he admitted the power of Congress to impose protecting duties, he recommended a gradual reduction of some of those already prescribed.

The message stated that a large part of the national debt had been paid in the course of the year, and that the whole would probably soon be extinguished. When this should have taken place, it recommended that the surplus revenue should be

apportioned among the several States, in the ratio of their representation, for the purposes of internal improvement. If this should be found not warranted by the constitution, the president advised that it should be authorized by an amendment. He neither admitted nor denied the power of Congress to make appropriations for internal improvements, but hoped his suggestion would do away with all difficulties connected with the subject. He had a very exalted opinion of the rights of individual States, and took leave of the topic with an admonition to Congress to beware of construing their own powers in too liberal a manner, and of meddling with the separate sovereignties.

The president desired that the pension law might be so altered that its benefits should extend to every soldier of the revolution.

Mr. Jackson expressed great good will toward the Indian tribes within the limits of the United States, and explained their political condition. He was of opinion that the tribes residing within the southern States had no right to erect governments of their own without the consent of the said States, and that the general government had no power to countenance them in so doing. He thought it too late to discuss the justice and humanity of former proceedings toward them, and that the government should remove them to lands beyond the Mississippi. They were not to be compelled to go, but if they chose to stay, they were to be abandoned to the mercy of those States within whose limits they resided; to the mercy of Georgia and Alabama!

The president roundly asserted, that the bank of the United States had failed in its primary object,

to establish a sound and uniform currency, and that in the opinion of a large portion of the community, its establishment was not constitutional. If any institution of the kind should be deemed necessary, he advised that a national bank, founded on the credit and revenues of the government, should be substituted in its place.

The message contained a most pitiful attempt to palliate Mr. Jackson's inconsistency with regard to the appointment of members of Congress. The purity of our government, it said, would undoubtedly be promoted by their exclusion from all appointments in the gift of the president, in whose election they might have been officially concerned. But while the constitution permitted the president so to do, he would continue, with conscientious adherence to duty, to select them for such stations as he believed them better qualified to fill than other citizens. The nature of the judicial office, and the necessity of securing the first talents in the cabinet, and in diplomatic stations ought, he thought, to exempt these from the exclusion.

Mr. Jackson also avowed the principle of 'reform' on which he had been acting, and attempted to justify it. He thought (from experience?) that few men could remain long perfectly honest in office. The corruption consequent on long tenures must divert government from its legitimate purposes, and make it an engine for the support of the few at the expense of the many. The duties of all public officers were, or ought to be, so simple that any man might soon qualify himself for them. On the whole, he thought that a general limitation of the tenure of office to the term of four years would do more good than harm. Besides, offices were

created for the good of the people, and that alone. As no man could claim appointment or continuance in office as a right, neither appointment nor removal furnished any just ground of complaint.

We are not qualified to give an opinion on the subject of the judiciary law. That of retrenchment will follow in its proper place, as will several other topics started by the president. We have already given our sentiments respecting reform, and will offer nothing more on a topic so revolting. Of the proposed amendment of the constitution, internal improvement, and of the Indians, we have something to say.

It is doubtless desirable that the will of a people should designate their chief magistrate. But unless the small States, or the slave States, give up their power to 'the people,' it is hardly possible, according the present system, that the right of choice can lie in the majority of that people. Let it be borne in mind that the will of the majority is president Jackson's ultimate argument. Seventy-two of the two hundred and sixty-one electoral votes had no regard to the people whatever. Forty-eight of them belonged to *States* without reference to population, and twenty-four represented negro slaves, who, in a political sense, are assuredly no part of the people. Thus it may be that one candidate may get a majority of almost sixty electoral votes, and yet the other may have a majority of the people in his favor. It is certain that the electoral system does not give the will of the people, and equally sure that the house of representatives cannot. Yet the people are as likely to be as fairly represented in one way as the other. On the other hand the idea of a vast

national caucus is supremely ridiculous. President Jackson's suggested measure is, we fear, impracticable. It would, we doubt not, obviate many evils were the other part of his advice adopted, and he prevented from exposing himself four years more.

As to the distribution of public money to the several States, to be expended in internal improvements we have not much to offer. The funds applied in this way would effect little. The whole sum thus appropriated for a single year might pay for the construction of some great work, a public road, for example, or the improvement of a harbor. Divided as Mr. Jackson advised, the separate parts could not do good in the ratio of the whole. It is not to be supposed that the several States would unite for any grand object. The North would not continue a canal began in the South, nor would the South do otherwise by the North. If by any means the members of the confederacy should unite their appropriations, the result would be the same as if the power so often contested were vested in Congress. In short, it appears to us that the measure proposed by the president was calculated to paralyze, if not to annihilate public improvement.

We turn with regret, with shame, with mortification, to the darkest page of American annals. Gladly would we pass it in silence, but as our hero had a prominent share in the affairs we are about to relate, we cannot do so. We are compelled to say that three of the States of this Union forgot the principles of natural justice, the claims of humanity and decency, and their own dignity; that they showed themselves avaricious and cruel, and trampled ruthlessly on the poor and feeble. We are obliged to relate that the Union looked coolly

on while the faith of treaties was violated, and while a stain was cast on the national escutcheon, which even a decision of the supreme court cannot wipe away. We allude to the oppression of the southern Indians, of whose case we are about to give a sketch, which must necessarily be brief.

The Choctaws, Chickasaws, Creeks and Cherokees abode within the limits of Tennessee, Mississippi, Alabama and Georgia. They were never utter savages. They lived in settled towns, partly by agriculture, and had governments and laws. They had made rapid advances in civilization under the fostering care of the American government. As the relation of all with the United States present nearly the same features, we shall take the case of the Cherokees, the most civilized, as an example of what has happened to all.

They were not hunters, but farmers; had a written language, schools, a newspaper press, cattle, houses, and all the essentials of civilization. They earned their daily bread by daily labor.

Their original title to their lands was the best possible; they inherited them from their fathers. Their patrimony descended to them unincumbered, and it cannot be said that they ever alienated it. It is true, they have sold large tracts to the United States, but for the last twelve years they have answered every solicitation to sell more with a peremptory refusal.

The claims of the whites to sovereignty and jurisdiction over the Cherokees are as follows.

The king of Great Britain claimed jurisdiction over their soil, though he never exercised it. At the close of the revolution his rights passed to the government of the United States. The Cherokees

never acknowledged the sovereignty of either. If merely making a claim makes that claim valid, the Cherokees might with equal propriety, assume jurisdiction over the United States.

It is contended too, that the right of savages to their lands in any case is but a right of occupancy; but even if it be just, this principle cannot apply to such a people as the Cherokees.

In the war of the revolution the Cherokees took part with the king of Great Britain. In 1785 they concluded a treaty of peace with the United States and ceded a large tract of territory. In this treaty they acknowledged themselves under the protection of the United States, and gave to Congress the power of regulating intercourse with them. In all other respects the parties treated on perfectly equal terms. Several other treaties, in all of which the Cherokees ceded portions of their territory, were negotiated on similar terms.

In 1802 the United States, in a compact with Georgia, agreed to extinguish, in behalf of that State, the Indian title to all the lands within its limits, 'as soon as it could be done on peaceable and reasonable terms. In pursuance of this agreement the United States held other treaties with the Cherokees, in which the latter always ceded lands, which were given up to Georgia. In every instance the public faith was pledged for the protection of the Cherokees, who were treated as, and called a NATION. In every instance it was an article that the provisions of the treaty of Hopewell should remain inviolable. The several bargains were called treaties of peace and friendship. In every one the Indians were acknowledged as an independent nation, excepting in so far as they had

yielded certain rights, in consideration of the friendship and protection of the United States. The surrender of certain specified rights does not, according to the law of nations, imply the surrender of any other rights. It is not pretended that the Cherokees ever granted sovereignty and jurisdiction over themselves and lands to the United States, or to any one of them. On the contrary, it is expressly admitted in the treaty of Holston that they are not within the jurisdiction of any State. It is not pretended that the Cherokees have violated any of their engagements. In each compact the United States 'solemnly guaranteed to the Cherokee nation all their lands not thereby ceded.'

The lands acquired by the United States for Georgia were divided into sections and distributed among the free white inhabitants of that State by lottery. Thus each citizen had a personal interest in the extinguishment of the Indian title, and naturally desired to see it brought about as soon as might be.

When the Cherokees became restive, and refused to alienate more of their territory, Georgia took a ground till then unheard of. The legislature assumed that the claim of jurisdiction, founded on the right of discovery, though savoring more of force than justice, was universally acknowledged, and therefore, force became right! It was contended, that before the treaty of 1802 Georgia might rightfully have possessed herself of the Cherokee lands by force, and that she had not relinquished this right by the said compact! As the right of soil and sovereignty had been perfect in Great Britain, it was so in Georgia, and the Indians were mere tenants at will, who might be

ejected by force or otherwise whenever it should please the State so to do.* Acting on these humane and righteous principles the legislature, in 1828, proceeded to divide the Cherokee country into five portions, each of which was declared a part of a contiguous county in Georgia. The jurisdiction of the State was extended over the Cherokees, and their government abolished forever. It was also enacted that no person of Indian blood should be deemed a competent witness or party in any suit, in which a white man should be a party, in any court in Georgia. These laws were to take effect on the first of June, 1830.

These were laws not to live under, but to run away from, and such was evidently their intention. Under such laws any white man may commit any aggression on any Indian with impunity, provided no other white man sees him. The Indian has no remedy, no privilege of complaint. In a community where such statutes are tolerated it cannot be supposed he will find any friend who will institute a suit in his behalf, and even if his child be murdered, he cannot do it himself, or prove the act, though it takes place before his eyes. It is the interest of all, and we believe the inclination of most of his white neighbors, to oppress him. In short, the Cherokees are now almost in the condition of outlaws. Such are the tender mercies of Georgia.

It was said in defence of these proceedings, that while the Cherokees remain, Georgia is deprived of a valuable portion of the territory within her

* See the report of a committee of the legislature, which was adopted by both houses.

limits, that an *imperium in imperio* would be dangerous to her, and that the neighborhood of the Indians is inconvenient. We believe, however, that the real motive for such oppressive policy was, that the Cherokee lands had been found to abound in gold. Other laws have since been enacted, all designed to oppress and banish the Indians. The other southern tribes were treated much like the Cherokees. The Choctaws, indeed, were admitted to all the privileges of citizens of Mississippi, and subjected to her laws, the first of which abolished their government, and rendered it penal for any of its officers to perform their functions. If all the tribes had been admitted to all the privileges of the States in which they respectively resided, their case would still have been a hard one. It is certainly hard to come under any strange code of laws, and must be doubly so when those laws are written in a strange language.

The tribes had written to president Jackson to claim the protection of the United States and the execution of treaties. He wrote to them that they had better emigrate to Arkansas, to avoid farther difficulty. If, however, they persisted in remaining, he told them they must not look to the general government for countenance or support. They must submit to the laws of the States, which had a right to do with them as they pleased.

This was a new and strange doctrine to the Cherokees. Protection had been so often offered them when they needed it not, that they were astonished to hear it denied when it was most necessary. They had been encouraged to remain and become farmers by former presidents, and now

that they had done so, were desired to remove, as hunters and savages. They could not believe that a great nation, whose chief boast is its freedom, could violate a solemn pledge twenty times renewed. They declined to remove, and sent a delegation to the Congress of 1829-30 to represent their case. Here these unfortunates were delivered into the hands of their enemies. Both houses referred their petition to committees, a majority of each of which was composed of members from the States interested in getting rid of the Indians. The result was what might have been expected. The reports recommended their removal, denied their rights of inheritance and self-government and sustained the claim of the States to jurisdiction over them.

Accordingly a bill was passed appropriating five hundred thousand dollars to purchase a country for them, and to defray the expenses of their removal. An amendment was proposed by Mr. Frelinghuysen of New Jersey, providing for the protection of such as might choose to remain. It was rejected.

Another transaction serves to show the spirit of this Congress. Mr. Hemphill of Pennsylvania offered an amendment, as a substitute for the bill. He proposed that commissioners should be chosen from the States not interested in removing the Indians and sent to ascertain how many of them, if any, were willing to exchange their lands for others west of the Mississippi. They were then to visit the western land of promise, to learn whether it was fit to support its intended population, and make an estimate of the expense of exchange and removal. This motion also failed.

On the 3d of June the governor of Georgia issued a proclamation, declaring the laws of the State extended to the Cherokee country, and threatening to enforce them in their utmost rigor. Another was issued at the same time, declaring that the Cherokee lands and all the precious metals therein contained belonged to Georgia in fee simple. 'Indian occupants' and others were warned against trespassing thereon, or taking away gold and silver. These proclamations did not shake the confidence of the Cherokees in the United States. They employed Mr. Wirt to plead their cause before the supreme court. That distinguished lawyer wrote to the governor of Georgia to inform him of the fact, and was answered that while he remained beyond the jurisdiction of the State he would be safe. Indeed, had he trusted his person in Georgia he would have been liable to imprisonment in the penitentiary, according to the provisions of some of the late acts of the legislature.

A case occurred, which made it manifest that Georgia was resolved not to be restrained, save by downright force. A Cherokee, named Corn Tassel, or in English, George Tassel, killed another Indian in a drunken brawl. This was an opportunity to assert jurisdiction not to be missed. Corn Tassel was seized by the Georgia police, tried, convicted and sentenced to be hung. At the prayer of one of the Cherokee authorities, chief justice Marshall issued an injunction to arrest the proceedings, but governor Gilmer paid no regard to it. He sent an order to the sheriff to execute the sentence in spite of opposition, but that officer had no need of instructions. He had resolved beforehand to perform his agreeable duty in the

manner directed, and when the messenger arrived he found Corn Tassel dead. This poor wretch appears to have been little better than an idiot. When told that he must die, he imagined that suspension was the way in which Georgia intended to remove his race, and answered with extreme *naveté*, that 'he would rather go to Arkansas.'

In May, 1831, the case of the Cherokee nation *vs.* the State of Georgia was ably argued by Mr. Wirt before the supreme court. The opinions of the court were, mainly, that Indian tribes are not independent foreign nations, but domestic, dependent nations under the guardianship of the United States, and that the court had no power to protect them in the exercise of self-government. The injunction to restrain the proceedings of Georgia was therefore denied. Two of the five judges dissented from the decision.

Since that time the laws of Georgia have visited these helpless and unoffending people with unmitigated severity, and they have been subjected to still more oppressive statutes. It does not consist with our plan to enter into details. Let it suffice that every method short of actual force has been employed to compel their removal. Yet they still refuse to abandon the soil of their fathers. How and when this great iniquity is to end Heaven only knows.

CHAPTER XVI.

Of the United States Bank. Mr. McDuffie's report on the subject. Retrenchment. The president's veto. A duel. Mr. Jackson's conduct. Dissention between Messrs. Jackson and Calhoun. Its results. Defection of Duff Green. He betrays his master's secrets. Tenor of his disclosures. Resignation of Messrs. Van Buren and Eaton. Dismission of the other members of the cabinet. Mrs. Eaton. Quarrel between Messrs. Eaton and Ingham. Mr. Ingham is threatened with assassination. Mr. Jackson's conduct. Conclusion.

We think Mr. Jackson's suggestion respecting the United States Bank was unnecessary and premature. The subject can only come under the consideration of Congress when an application shall be made for a renewal of its charter, and a previous declaration of the course to be pursued could not but be deeply injurious to all concerned. The premises on which the president's suggestion was based are manifestly fallacious. It is certain that a bill of the United States Bank is as readily received as gold or silver in all parts of the Union. Many also thought it presumptuous in a chief magistrate to dictate to a future legislature, with which, according to his own doctrine of rotation, he could have nothing to do. However, the stock of the bank fell immediately.

When the matter was referred by the house of representatives to a committee, their report set forth that Mr. Jackson was utterly mistaken in all

his assumptions, that he was ignorant of the subject, and that his project of a new bank was absurd. This report was drawn up by Mr. Mc Duffie, one of the president's warmest friends. The committee of the senate drew up a similar report. The result was that the credit of the bank rose again.

A committee was appointed to consider Mr. Jackson's proposed measure of retrenchment, and great things were expected to result from their labors by the Jackson party. So much had been said of waste, extravagance and unnecessary offices, that a great part of the people had faith in the existence of these bugbears. The committee entered upon their duties with great zeal, being all, or most of them, warm friends to the administration. Contrary to their wishes and expectations they found nothing to retrench, no salary to diminish, no officer to discharge, excepting a draftsman, employed to draw maps and plans for the use of Congress. After a long debate on the subject, which cost the nation as much as would have paid the draftsman for ten years, the house decided that it was inexpedient to abolish the office. Such was the issue of the promised 'retrenchment,' so long used to gull the people. Mr. Chilton, a simple, single minded, honest member from Kentucky, had been foremost in this abortive attempt at economy. So much was he disgusted with the imposition he now found to have been practised on the public, that he made a public recantation of his political opinions, and declared himself an opponent of the administration.

Before the session closed a bill passed both houses authorizing a subscription to the stock of the Maysville turnpike in Kentucky. The president refused his concurrence, declaring that in his

opinion no public money could be lawfully expended for such purposes till the national debt should have been extinguished. Even then, he thought an amendment of the constitution would be necessary. These principles, if acted upon, would destroy the whole system of internal improvements, and have a fatal effect on the convenience and resources of the nation. The West, being a new country, would necessarily suffer most. We believe there is no need to expatiate on the subject; even those who believe appropriations of the kind in question contrary to the spirit of the constitution, cannot but see the evils attendant on a construction so rigid.

We have now related all the important proceedings of Congress, over which Mr. Jackson exerted any influence. The history of the session would be highly interesting, but is not to be expected here.

During the winter a duel took place at Philadelphia, between a midshipman and a citizen, in which the latter was killed. The president immediately dismissed the offending officer and three others, his accessaries, from the service. This seems to have been the first and last act of his administration that gave universal satisfaction. Praise was liberally bestowed on him by all the presses in the country. Let us see how far he deserved it. The facts were these.

Mr. Branch, the secretary of the navy, wrote to the executive that he was satisfied of the guilt of the parties, and recommended their dismissal. The president forthwith exercised the arbitrary power vested in him, and cashiered the officers without trial; without giving them a hearing. Who

was Mr. Branch, that his individual opinion should abrogate the first principle of criminal law, that every man is innocent till proved guilty? The proceeding was also at variance with military practice. We have no doubt that the officers deserved dismissal, and are far from approving the practice of duelling, but we object to the manner of their discharge, as a bad precedent, savoring too much of arbitrary power.

Early in 1831, the particulars of a rupture between the executive and Mr. Calhoun, the vice-president, came before the public. It seems that a letter from Mr. Crawford to one Forsyth had been placed by the latter in Mr. Jackson's hands. In this document it was asserted, that after the conclusion of the Seminole war, Mr. Calhoun had given his voice for the punishment of general Jackson, in the cabinet council. In justification of the breach of faith implied by the disclosure, Mr. Crawford stated that it had been made to appear by the friends of Mr. Calhoun, that while general Jackson was defended by the other members of the cabinet, he, Crawford, had proposed to arrest the invader of Florida. By these means Mr. Jackson became very friendly to Mr. Calhoun, and decidedly inimical to Mr. Crawford.

On the receipt of this letter, president Jackson sent it to Mr. Calhoun, expressing his surprise at its contents, and desiring to know whether the facts stated were true or not. Mr. Calhoun applied to Messrs. Monroe (the ex-president) and Mc Duffie, and, furnished with their testimony against Mr. Crawford, took the field. While he accused Mr. Crawford of falsehood, he did not deny that he had moved to bring general Jackson to trial.

A hot altercation ensued between Messrs. Calhoun and Crawford, each accusing the other of various misdemeanors, and bringing witnesses to support the charges. Mr. Crawford lost his temper and descended to personalities, and Mr. Calhoun published an address to the people. The result of the controversy was the disgrace of the principal parties concerned. Mr. Crawford had violated the duty of a counsellor, and descended to abuse and mischief-making. Mr. Jackson's conduct became better known than before, and he had moreover shewn that the president remembered the wrongs, real or supposed, of the man. Three members of Mr. Monroe's cabinet had been willing to suffer a delinquent to escape, in the hope of making his great popularity second their private ambitious views. It is more than probable, from the correspondence, that Mr. Crawford was really inclined to have had general Jackson punished, and if so, his tergiversation in denying the fact was infinitely shameful. President Monroe himself was proved totally wanting in the moral courage, political honesty, dignity and fidelity, that ought to have been concomitant with his authority and elevated station. Mr. Calhoun incurred the suspicion of duplicity, and of having made general Jackson his tool, to hinder the advancement of Mr. Adams. A series of petty intrigues was developed, very degrading to persons of the rank of those concerned. We could write a volume on the subject, but prefer to refer our readers to Mr. Calhoun's publication and the records of the time, which furnish abundant proof of all we have advanced.

In April, an occurrence took place involving very serious consequences to the Jackson party.

This was the desertion of Duff Green, commonly called *general* Green, from its ranks. This person had, in his capacity of editor of the *Telegraph*, furthered the election of president Jackson more than any other individual in the United States. He was peculiarly fitted to do the dirty work of a party, and secure the votes of the rabble. To a considerable share of rough talent, he added great boldness, energy, perseverance, and utter recklessness of decency and morals. Having been thoroughly provoked, he has done much to hinder the re-election of the god of his former worship, and there is reason to hope that he will give powerful aid to overturn the edifice he so ably labored to construct. Whatever his future conduct may be, we can never but condemn the man, yet not to do him injustice, we admit that he will be an important acquisition to the party which shall finally offer him the highest wages.

The *Globe*, a paper established in Washington by Mr. Van Buren, to favor his own intrigues, accused Green of having caballed with editors and others in favor of Mr. Calhoun, and against Mr. Van Buren. Probably there was some ground for the charge, but whether so or not, Duff replied with a betrayal of the secrets of the party; in substance as follows.

1. That major Eaton was from the beginning considered by the Jackson party, 'the weak point of the administration,' and 'a fruitful source of danger,' and that he [Green] remonstrated with the president and with Eaton himself against his appointment.

This fact is fully corroborated by better authority than the *Telegraph*.

It appears also by Green's statement that the President assured him he should permit 'nothing in the private relations of any member of the cabinet to interfere in his or their discharge of their official duties,' and that Eaton admitted that 'he was fully sensible of the causes of objection to his appointment, but expressed a determination to do all in his power to obviate them by a faithful discharge of his public duty.'

2. That Mr. Secretary Eaton had, at an early period of the administration, shown a disposition to 'coerce those members of the cabinet, who had failed to gratify his wishes in a certain particular,' [the admission of his wife into the highest circles of society, and into their families,] and 'had on a public occasion actually refused to give his hand to the secretary of the navy for this cause.'

3. That major Lewis, second auditor, brother-in-law of Eaton, then residing in the president's family, had attempted to prevent communication between Green and the president by proposing to become the medium of their intercourse; and that Green believed that Lewis and Eaton endeavored to get possession of every avenue to the president's mind.

4. 'That although it was 'distinctly understood' that the secretaries of the treasury and navy were unobjectionable 'in matters relating to the transaction of public business,' yet 'major Eaton and major Lewis soon began to arrange plans for their removal, under the pretence that it was the only means of restoring harmony in the cabinet;' and made 'several unsuccessful efforts to enlist Green and his press in their views.'

5. That 'Van Buren availed himself of his

peculiar situation [being a widower,] to use his influence with the diplomatic corps, to have Mrs. Eaton admitted into society, and in this way 'secured major Eaton and major Lewis as his political partisans.'

6. That Mr. Van Buren gave the printing of the laws and the patronage of his department to another printer; that information soon reached Green, that Messrs. Van Buren, Eaton, Lewis, &c. intended to establish another paper, to be carried on by that printer; whereupon he [Green] called upon the secretary of state, and threatened him with war if the contemplated press were established; that Mr. Van Buren then declared that he considered it impolitic to set up another paper, complimented Green upon his career as an editor, and promised him the support of his friends.

7. That Mr. Jackson's feelings and sympathies became deeply enlisted in behalf of Eaton, and that Van Buren by constant personal attention and flattery, and apparent anxiety to serve Eaton, won his [Jackson's] confidence.

8. That 'Van Buren believed general Jackson's friendship would secure him [Van Buren] the support of the party.'

9. That the wife of Eaton was and is 'a gay, thoughtless, indiscreet woman, fond of admiration, and thirsting for fashionable life; resolved to force herself on society, boasting of her influence, and threatening the refractory with her vengeance.'

10. That the great source of the president's regard for Mr. Ingham, and the leading cause of his appointment to the treasury department, was Mr. Ingham's defence of Mrs. Jackson and her husband against 'the rude attacks' of Jonathan

Roberts; and that from the same cause he felt a peculiar gratitude to Green himself.

11. That Messrs. Eaton, Lewis, Van Buren, Amos Kendall, &c. exerted themselves to make an impression upon Mr. Jackson's mind that major Eaton 'held the same relation to society, that he [Jackson] had done!'

12. That the exclusion of Mrs. Eaton from society was 'tortured into a political intrigue, of which he [Jackson] was taught to believe Mr. Calhoun the impulse.'

13. That then it was that Lewis in the autumn of 1829 visited New York, obtained a sight of Forsyth's letter, containing Crawford's statement of Calhoun's proposition in the cabinet of Monroe, to subject Jackson to a court of inquiry for his conduct in the Seminole war, and that by reviving that old affair, an occasion was sought and found to give vent to an enmity in the breast of Jackson towards Calhoun, which had been created during that summer by the artful turn which Mr. Van Buren had given to Mrs. Calhoun's firm stand against the admission of Mrs. Eaton into the respectable and fashionable society of the metropolis.

14. That Mr. Van Buren, on the other hand, held one or two levees for the very purpose of promoting the designs of Mrs. Eaton, her husband, and the president upon that society, and when he had done that, shut up his house and gave no more.

15. That Messrs. Van Buren, Lewis, &c. taught the president to believe that the failure of his measures, and the rejection of his nominations, were to be attributed to a continuation of the same spirit of opposition and intrigue in Mr. Calhoun, which he, through Mrs. Calhoun, had manifested in excluding Mrs. Eaton from society; that Mr. Cal-

houn was intriguing to run against him [Jackson] at the next election, and when his confidence in Calhoun was destroyed by these means, and most by the president's 'sympathies' with Mr. Eaton and his wife, then the Crawford mine was sprung to complete Calhoun's destruction.

16. As a conclusion of the whole, that Van Buren, by using as his instrument the female so often alluded to, has engrossed all the power, favor and influence of the executive; by the same instrument has put down Mr. Calhoun and set up himself; and was at the moment these developments were made, monopolizing that favor, and carrying on the government by means of the same feminine instrument.

Immediately after the publication of these disclosures, Mr. Van Buren tendered his resignation to the president, saying, that as he was a candidate for the chief magistracy, he thought it his duty to disfranchise himself. The letter was like one of Oliver Cromwell's speeches, not to be understood; but Mr. Jackson was of opinion that the secretary's reasons were incontrovertible, and accepted his resignation.

Mr. Eaton next resigned, and these facts being made known to Mr. Ingham by the president, the former desired to know if the example of his coadjutors was proposed for his imitation. In a private interview, the president replied in the affirmative, and Mr. Ingham resigned. A similar communication induced the secretary of the navy to resign. Lastly, Mr. Berrien, the attorney-general, the only member of the cabinet who enjoyed the public esteem, was advised that his resignation would be accepted, and took the hint.

The secret of this political wreck is contained in Green's disclosures. It appears that Mr. Jackson was peculiarly sensitive on the subject of his deceased wife. He imagined the circumstances of Mr. and Mrs. Eaton to be identified with his own. The facts connected with these persons have been published without contradiction, as follows.

Mrs. Eaton was the widow of Mr. Timberlake, a purser in the navy, who died early in 1828 in the Mediterranean. Common report speaks of an improper connexion between her and Mr. Eaton during her husband's absence. No positive proof of the fact has been made public, but it is certain that her name was a sound of offence to the people of Washington. Mr. Eaton married her in January, 1829.

When it became known that Mr. Eaton was to be the secretary of war, several of Mr. Jackson's friends remonstrated with him, but he persisted in his intention.

About the time of Mr. Jackson's inauguration the Rev. Mr. Ely of Philadelphia came to Washington. The Rev. Mr. Campbell mentioned the objections to the appointment of Mr. Eaton to Mr. Ely, saying he would remonstrate with Mr. Jackson himself, did his acquaintance warrant such a liberty. Thereupon Mr. Ely engaged, by permission of Mr. Campbell, and on his authority, to give the president a warning.

In the meanwhile the president and his coterie had selected Mr. Campbell's church for their place of worship. The example of the great is mighty, and the said church was soon more than filled. But when Mrs. Eaton chose to become a member of the congregation there was a falling off.

At this time Mr. Ely, having waited till his communication was useless, gave Mr. Jackson a full account of the imputations cast on Mr. and Mrs. Eaton, and on more minute inquiry, gave his authority. Mr. Campbell was soon after summoned before the president.

He went, met the assembled cabinet, and it is said that a scene of ruffian violence ensued. Not being at liberty to name our authority, we omit the particulars. Mr. Campbell readily admitted that he had been Mr. Ely's informer, and said he would prove all he had said and more, if put to a legal trial. Soon after he received a challenge from Mr. Eaton, and very properly declined it. He was even menaced with personal violence, but his firmness was more than a match for his enemies, and he remained unmolested. Finally the president and his family withdrew from the church.

Soon after, that is on the 17th of June, the following words appeared in the Telegraph.

'It is proved that the families of the secretary of the treasury, and of the navy, and of the attorney-general, refused to associate with her,' (Mrs. Eaton.)

Mr. Eaton had long been the laughing-stock of the nation, and had, moreover, been deeply stung in the most sensitive spot. It is probable that he asked nothing better than a pretext to quarrel with some one; at least, if such was not the case, we cannot account for his conduct without supposing him insane. He wrote to Messrs. Ingham, Berrien and Branch, desiring to know if they would avow or disavow the paragraph above quoted. The ex-secretary of the treasury replied, that he did not write the offensive article, but that the fact con-

tained in it was true. The letter was concluded in very disobliging and contemptuous terms.

On the 18th Mr. Ingham received a challenge from Mr. Eaton, by the medium of Dr. Randolph, who had married the sister of Mrs. Eaton, and who acted at the time as secretary at war. This communication contained an unmanly charge against the character of Mrs. Ingham, who, it is well known, is above reproach. Mr. Ingham did not find it convenient to give an immediate reply, and the next day received a second visit from Dr. Randolph, who threatened him with personal violence if he did not answer the note. Mr. Ingham coolly showed him the door.

On the following morning, Mr. Ingham, being about to depart from Washington replied to Mr. Eaton, declining his invitation. He then took leave of his friends, and about noon was informed that Mr. Eaton, with Dr. Randolph and others of his friends had been in quest of him, and that he might expect an assault at or about the treasury, where he had some business to transact. He therefore procured an escort of his own friends, well armed, and proceeded about his own affairs. He met with no molestation.

That night, if Mr. Ingham is to be believed, Mr. Eaton and his party lurked about the door of his lodgings, using insolent language, and showing other indications of hostility. The next night he was menaced in a similar manner. At last, Mr. Ingham addressed a letter to Mr. Jackson, as chief magistrate of the District of Columbia, charging Eaton, Randolph and others, with having waylaid, with intent to assassinate him. He then left the city.

Mr. Jackson sent to each of the persons accused a copy of Mr. Ingham's letter, desiring them to answer the charge. This they did, denying any participation in a plot to assassinate. The president then wrote to Mr. Ingham an insulting letter, informing him that he could find no reason to believe his allegation. It having been proved, however, that Dr. Randolph had carried a challenge, he was compelled to resign.

Thus was dissolved this unhappy cabinet, whose every step was marked with general disapprobation. It is the universal belief that Mrs. Eaton, influenced in some degree by Mr. Van Buren, was at its head, and that the president was in her hands as clay in the hands of the potter. It is undeniable that she exerted a great influence over his councils.

Messrs. Ingham, Berrien, and Branch have since asserted that they received a message from president Jackson through the medium of colonel Johnson, requiring them to invite Mrs. Eaton to their parties, on pain of dismissal in case of disobedience. Mr. Johnson denies having used the president's name in the matter, and states that he made the communication on his own responsibility, out of regard for all parties concerned. In a correspondence between colonel Johnson and the ex-ministers they virtually gave each other the lie. The reader must choose to which he will give his belief. One thing, however, is incontestibly proved, viz. that Mr. Johnson was not, as was generally supposed, the author of the celebrated Sunday mail report. The report was very ably, and colonel Johnson's letters were very miserably, written. Ergo, the same pen did not write the report and the letters.

A new cabinet has been organized, of whom we hope the public will judge by their works. We have now done with president Jackson, we hope forever. We hope he will be wise enough to decline a second election, or, if he does not, that he will be disappointed. His reign has verified the forebodings of his enemies, and disappointed every hope of his friends. It has shown that if he ever possessed independence of mind and the knowledge requisite in his office, the time has long since passed away. May he, in the sympathy of his friends, in his own dwelling, forget the mortifications he has undergone, while a wiser man sits in his place. May his country forget his political career, and remember some of his military services. Above all, may the people of the United States never again make their chief magistracy the prize of the longest sword, or see a female of doubtful character at the helm of State, or behold the public trust perverted for party purposes.

A description of Mr. Jackson's person must end the volume. He is a little more than six feet high, thin, and sinewy. In his best days he weighed about a hundred and fifty pounds. At present his hair is white, and he is a little bent by age.

A P P E N D I X .

[It was the original intention of the writer to have directed the attention of his readers to the notes in the Appendix in the usual manner; that is, by placing marks of reference in the text wherever it needed illustration. But as some of the references have been misplaced, and others wholly neglected by the compositors, he is compelled to quote from the text.]

‘Spruce Mc Kay and Mr. John Stokes.’ p. 8.

We have not been able to learn any thing of Mr. Mc Kay. Mr. Stokes was a distinguished person. He served in the revolutionary war, in which he received many and severe wounds, and attained the rank of colonel. He was afterwards appointed a judge, we know not of what court. He was a brave, honorable and upright man.

‘In 1789 Mr. Jackson formed an acquaintance,’ &c. p. 9.

It may be proper to state, that our version of this unhappy piece of private history is simply an abstract of the admissions of Mr. Jackson’s friends. We refer particularly to Judge Overton. See the printed documents of the celebrated ‘Whitewashing Committee.’

‘Judge Jackson interfered to prevent it.’ p. 17.

The following has been printed as the letter addressed to the editor of the Nashville Review.

‘Mr. Eastin—

‘I am informed that at the request of sundry citizens of Nashville and its vicinity, you are about to dress your

paper in mourning, "as a tribute of respect for the memory, and regret for the untimely death of Charles Dickinson."

'Your paper is the public vehicle, and is always taken to be the public will, unless the contrary appears—presuming that the public is not in mourning at this event; in justice to that public, it is only fair and right to set forth the names of those citizens who have made the request. The thing is so novel, that the names ought to appear that the public might judge whether the true motives of the signers were "a tribute of respect for the deceased," or something else that at first sight does not appear. Yours with esteem,

June 6, 1806.

ANDREW JACKSON.'

'Mr. Jackson had previously engaged in several other speculations of the same kind.' p. 23.

Extract from a letter of Boyd Mc Nairy, president of the Nashville Bank, to general Andrew Jackson, published in the Nashville Whig and Banner.

'On the 18th May, 1811, Joseph Coleman, Horace Green and Andrew Jackson entered into articles of agreement with R. Apperson for the purchase of a number of negroes. The terms of payment were, \$2050 in hand, \$4000 at the expiration of six, and \$4000 more at the expiration of twelve months.—For the payment of the two last sums, Coleman, Green, and Jackson were to give their bills on a house in Philadelphia, and for further security, in case the bills were dishonored, they gave their notes for similar sums, payable in the Bank of Nashville. Horace Green fully confirms this statement.'

The following memorandum, in Mr. Jackson's hand writing, came into the possession of colonel Andrew Er-

win, who caused it to be published in the Nashville Banner, verbatim.

‘A. Jackson amount of *proportion* of cash for negroes bot. of Richard Epperson, \$929 45. J. Coleman is to pay the note in Bank for interest on purchase of cotton from B. Smith, for \$613 39, and the sum of 191 1-3, which he is to pay, and the sum of \$125 for boat makes up *his proportion*. A. Jackson has paid for Keel-boat \$50. To Capt. Wetherall discount, this 20th of November, 1811, on the bill remitted W. Jackson and Co. on James Jackson and Co. \$14 51; and also \$16 on note endorsed by J. H. Smith. *NOTE*—provisions furnished cotton boat 500 lbs. pork and flower, and meal, in all \$17 20.’

The two following documents were published in the Port Gibson Correspondent, which states that they were found among Mr. Green’s papers, and that the bills and their signatures were in the hand writing of Mr. Jackson.

Bills of sale to Abraham Greene.

‘Know all men by These Presents that I Andrew Jackson of the county of Davidson and State of Tennessee have and by these presents doth Bargain sell and deliver unto Abraham Green of the county of Pickering Two Negro weaman To it Betty about thirty-five years of age and Hannah her Daughter about fifteen years of age which are sound and healthy and in and for the Consideration of five hundred and fifty dollars to him in hand Paid the receipt whereof is hereby acknowledged to bind myself my heirs Executors and administrators to warrent and forever defend the right title and Property of said Negroes to the said Abraham Green his heirs and assigns forever against the Legal claim and Demand of all and

every Person legally claiming the same. In Testimony whereof I have hereunto set my hand and seal this Twenty-seventh day of December 1800.

ANDREW JACKSON, [SEAL.]

JN. HUTCHINGS. ack'd before me

S. LEWIS.'

‘ Know all men by these presents, that I, Andrew Jackson, of the county of Davidson and State of Tennessee, have this day Bargained, sold and delivered unto Abraham Green, of the county of Claiborne Mississippi Territory one Negro woman named Kissiah, with two children, Reuben about three years old and a female child at the breast called Elsey, and in and for the consideration of six hundred and fifty dollars to me in hand paid the receipt whereof is hereby acknowledged I do bind Myself my heirs Executors and administrators firmly by these presents to warrant and forever defend the right title and property of said Negro woman and her two children above named and described to the said Abraham Green his heirs and assigns for ever from the claim or claims of all and every person or manner of persons legally claiming the same in witness Whereof I have hereunto set my hand and affixed my seal this 27th day of Decbr. 1811.

ANDREW JACKSON, [SEAL.]

Test.—Note the words “named Kessiah” in the fifth line from the Top interlined before signed. }

Test. J. HUTCHINGS.'

JANUARY

17th, 1801. Abraham Green in acpt. with Andrew Jackson, Dr.

| | |
|------------------------------------|------------------------|
| To one Negro Wench named Faney | \$280 |
| To two Negroe weaman Betty & Hanah | 550 |
| To merchandize from John Anderson | 15 18 $\frac{3}{4}$ |
| To cash Pd Taylor for making coat | 3 |
| | <hr/> |
| | \$848 18 $\frac{3}{4}$ |

‘The manner of his offending may be learned from a letter.’ p. 23.

‘The Honorable—

George W Campbell Esq.

‘Sir

‘You will receive herewith inclosed, the certificate of John Gordon and Major Thomas G. Bradford editor of the Clareon on the Subject of the card bearing date September 11th 1812 published in the Clareon on the 26th Sept. 1812 from Silas Dinsmore united States agent to the Chocktaw nation being in the proper hand writing of the said Silas Dinsmore you will also receive enclosed, the paper of the 26th. Sept. containing the card of Mr. Dinsmore which I beg you to lay before the Secratary of War as soon as the reach you, and I beg you to communicate to me without delay his determination as it respect the removal of Mr. Dinsmore.—When I recd your letter of the 10th of April last enclosing me an extract of the Secratary of Wars letter to Silas Dinsmore agent to the Chocktaw nation, I, nor the citizens of West Tennessee, hesitated not, to believe that Silas Dinsmore would cease to exercise over our citizens such lawless tyranny as he had been in the habit of, and that our peacefull and honest citizens would be left to enjoy the free and unmolested use of that road as secured by treaty—you can

easily Judge and so can the [Secre]tary of War, our surprise and indignation, at the wan]ton in]sult offered to the whole citizens of Tennessee by the publication of his card in the *Clareon*—in which he boasts—that he has set at defiance the Solem treaty that secures to our citizens and those of the United States the free and unmolested use of that road as well as the express instructions of the Secratary of War of the 23d of March last, and boast his detention of a defenceless woman and her property—and for what! the want of a passport—? and my god; is it come to this—are we free men or are we Slaves is this real or is a dream—for what are we involved in a war with great Britain—is it not for the Support of our rights as an independent people and a nation, Secured to us by nature and natures god as well as Solem treaties and the laws of nations—and can the Secratary of War, for one moment retain the idea, that we will permit this petty Tyrant to Sport with our rights secured to us by treaty and which by the law of nature we do possess—and Sport with our feelings by publishing his lawless tyranny exercised over a helpless and unprotected female—if he does think too meanly of our Patriotism and galantry—were base enough to Surrender our independent rights Secured to us by the bravery and blood of our forefathers, we are unworthy the name of freemen—and we view all rights secured to us by Solem treaty, under the constituted authority, rights Secured to us by the blood of our fathers and which we are never to yield but with our lives—The indignation of our citizens are only restrained by assurances that the government so Soon as they are notified of this unwarrantable insult, added to the many injuries that Silas Dinsmore has heaped upon our honest and unofending Citizens, that he will be removed—Should we be deceived in this, be frank with the Secratary of

War that we are free men, and that we will Support the supremacy of the laws, and that the wrath and indignation of our citizens will sweep from the earth the invader of their legal rights and involve Silas Dinsmore in the flames of his agency house—we love order, and nothing but Support of our legal and inalienable rights would or could prompt us to an act, that could be construed as wearing the appearance of rashness—but should not the Source of the evil be removed, our rights secured by treaty restored to our citizens—the agent, and his houses will [be] demolished—and when government is applied to, and so often notified of the injuries heaped upon our Citizens and they will adhere to the agent who delights in treading under foot the rights of the citizens, and exults in their distresses—not upon the people who have so often complained without redress—we really hope that the evil will be cut off by the root, by a removal of the agent, should this not be done we will have a right fairly to conclude that the administration winks at the agents conduct under the rose, notwithstanding the instructions of the Secretary in his last letter to Mr. Dinsmore of the 23d of march—the right of nature occurs—and if redress is not afforded, I would despise the wretch that slumber in quiet one night before he cutt up by the roots the invader of his Solem rights, regardless of consequences—let not the Secretary of war believe that we want more than Justice, but both from idians and indian agents, we will enjoy the rights secured to us by Solem treaty or we will die nobly in their Support, we want but a bare fulfilment of the treaty—we neither under Stand the Tyranny of the agent in open violation of our rights Secured to us by treaty—or the Creek law, that takes from the United States the right guaranteed by treaty that the indians who commit murders on our Citizens shall be delivered up

when demanded, to be tried by the laws of the united States and punished—the Creek law says the Creeks will punish them, themselves—Those inovation without the consent of the constituted power of the government being first had our citizens do not understand the information of Colo Hawkins U. S. agent for the Creeks and the information of Genl James Robinson agent of the Chickasaw Nation, to the contrary notwithstanding neither can we the citizens of Tennessee believe without better proof that the hair of the head of one of the murders of Manleys family and Grayless at the mouth of duck River are disturbed by the creeks, when we have proof that they lately passed near to Caskaskia fifteen in number to join the prophet—In this particular we want and do expect the murderers delivered up agreeable to treaty—this is only Justice this we ask of Government—this we are entitled to, and this we must (Sooner or later) and will have—This may be considered strong language—but it is the language that freemen when the are only claiming the fulfilment of their rights ought to use—it is a language that the ought to be taught to lisp from their credles—and never when they are claiming rights of any nation ever to abandon——

‘Pardon the trouble I have given you in this long letter—it relates to the two Subjects that has for some time irritated the publick mind, and is now ready to burst forth in vengeance—I am Dr. sir with due regard

Yr mo ob servt

(Signed)

ANDREW JACKSON.’

The foregoing letter is a perfect copy, word for word and letter for letter, as may be seen by the file of the war department.

‘There were some, too, among them, who had read that act of Congress,’ &c. p. 39.

‘No officer, non-commissioned or private, of the militia, shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, or more than in due rotation with every other able bodied man of the same rank in the battalion to which he belongs.’—*Act of Congress of Feb. 25th, 1795.*

‘To witness the execution of a militia man for an alleged mutiny.’ p. 52.

This man’s name was Woods. Mr. Eaton is wholly silent on the circumstances of his offence, but we have found them detailed in the Kentucky Reporter, as follows.

‘The day on which Woods committed the offence which he expiated with his life, he was on guard. The officer who commanded the guard, had permitted Woods after his relief to go to his tent and snatch a hasty breakfast. His mess had finished, and left something for him in a skillet. Seated on the ground by the side of this skillet, he was enjoying a humble repast, perhaps thinking of the home and the friends he had left behind, when a petty, self-important assistant to a staff officer passed along, who ordered Woods to pick up and carry off some bones that lay scattered about near the place. Woods refused to comply with the order, stating that he was on guard; the other with an oath swore that he should do it, and also cursed him for leaving his guard fire. Woods still refused, and rose to return to his guard, saying that he had obtained leave of his officer for his absence. By this time the half officer fairly swelled with rage, and flew to a gun that was lying in front of a tent, to compel him to obey, or to take him prisoner; but poor Woods, nothing daunt-

ed, primed his gun, and told the little officer or any one else, not to approach him at their peril; and then deliberately walked to his guard and surrendered himself prisoner to the officer on duty.'

According to military usages, a guard are exempt from every species of fatigue duty, and ought to receive no order from any one but the commanding officer, the officer of the day, or their own officers for the time being. If, therefore, the 'half officer' above mentioned was not one of the guard, Woods did but his duty, and merited praise rather than blame.

'The chiefs of the friendly Creeks also proposed,' &c. p. 63.

Extract from minules of the treaty by colonel Hawkins.

8 o'clock P. M.

'This evening the chiefs expressed to Col. Hawkins:— they did not give to Gen. Jackson, the land to day to give it back to them in clothing and other things; they want him to live on it, and when he is gone (dead) his family may have it, and it may always be known what the nation gave it to him for.'

The general made no objection to this, and the deed of conveyance was drawn and signed without any condition whatever.

'On the 18th of April, 1814, a new law was made.' p. 93.

Extract from said act of Congress.

'The militia when called into service of the United States by virtue of the before recited act (of February 28, 1795,) may, if *in the opinion of the president of the United*

States the public interest require it, be compelled to serve for a term not exceeding six months after their arrival at the place of rendezvous, in any one year.'

This power, it will readily be seen, was vested in the president only; not in general Jackson, or any other commander.

‘Becomes an outlaw and a pirate.’ p. 119.

‘The custom [of serving as volunteers in foreign armies] is justified by the sublimity of the motive; *volunteers taken by the enemy*, are treated as if part of the army in which they fight. Nothing can be more reasonable; they in fact unite themselves to this army, they support the same cause; no matter whether it be from any obligation or of free will.’—*Vattel*.

Neither Arbuthnot nor Ambrister were taken fighting, and therefore were entitled to quarter (according to the military usages of the United States) even considered as Indians.

‘Mr. Monroe endeavored to induce general Jackson,’ &c. p. 130.

Extract from Mr. Monroe's letter.

‘*But an order by the government to attack a Spanish post would assume another character. It would authorize war, to which, by the principles of our constitution, the executive is incompetent. Congress alone possess the power. I am aware that cases may occur, where the commanding general, acting on his own responsibility, may with safety pass this limit, and with essential advantage to his country. The officers and troops of the neutral power forget the obligations incident to their neutral character; they*

stimulate the enemy to make war, they *furnish* them with *arms* and *munitions* of war to carry it on; they *take an active part* in other respects *in their favor*; they *afford them an asylum on their retreat*. The general obtaining victory pursues them to this post, the gates of which are shut against him; he attacks and carries it, and rests on those acts for his justification. The affair is then brought before his government by the power whose post has been thus attacked and carried. If the government whose officer made the attack had given an order for it, the officer would have no merit in it. He exercised no discretion, nor did he act on his own responsibility. The merit of the service, if there be any in it, would not be his. *This is the ground on which this occurrence rests, as to his part. I will now look to the future.*

‘But the general refused to be cajoled,’ &c.
p. 130.

Extract from general Jackson’s reply to president Monroe.

‘My order was as comprehensive as it could be, and contained neither the minute original instructions, or a reference to others previously given, to guide and govern me. The fullest discretion was left with me in the selection and application of means to effect the specific legitimate objects of the campaign; and for the exercise of a sound discretion on principles of policy am I alone responsible. But allow me to repeat, that responsibility is not feared by me, if the general good requires its assumption. I never have shrunk from it, and never will; but against its imposition on me contrary to principle, and without the prospect of any politic result, I must contend with all the feelings of a soldier and a citizen.’

‘Each individual was to pay three fees.’ p. 135.

Perhaps the following clause in governor Jackson’s commission may explain the power by which he levied taxes.

‘It is the true meaning and intent of these presents, that the said Andrew Jackson, or any person acting under him, or in the said territory, shall have no power or authority to lay or collect any new or additional taxes.’

‘Mr. Jackson expressed his perfect willingness to answer the question.’ p. 148.

Extracts from Mr. Buchanan’s statement.

‘The general told me he had not the least objection to answer the question,’ &c.

‘I told him this answer was such an one as I expected to receive,’ &c.

‘I then asked him if I were at liberty to repeat his answer. He said I was perfectly at liberty to do so.’

‘I need not say that I afterwards availed myself of the privilege.’

Extracts from Mr. Jackson’s statement are not needed here, as our account of it is very nearly in his own words.’

‘This he attempted to deny, and to throw the blame on general Winchester.’ p. 159.

Extracts from one of Mr. Jackson’s letters on this subject.

‘The case you allude to, *might as well be ascribed to the president of the United States*, as commander in chief of the land and naval forces, *as to me*; but as you ask for a statement of the *facts*, I send them in a concise form.’

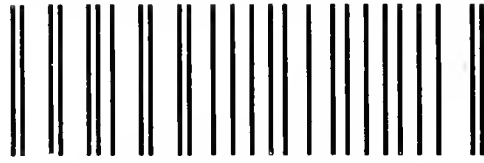
‘He (Harris) broke open the commissary stores, knocked out the heads of the flour barrels, taking what he wanted,

and destroying what he pleased; proceeded then to the bake house, and set it on fire, and marched off in defiance of the colonel, leaving the garrison without provisions, and weakened by desertion, that it might have fallen a *sacrifice to the Indians.*'

No such charge as this was preferred against Harris or any of those who suffered with him. Therefore, Mr. Jackson must have approved the proceedings of the court martial without reading them, or his memory must have been much impaired when he wrote this letter. It is true, the commissary's store was broken open, but the rest of Mr. Jackson's statement does not agree with the record.

'The ringleaders, Harris at their head, after some time were apprehended, and brought to Mobile in irons, after I had left there for New-Orleans, and had *charged general Winchester* with the *command* of that section of the country. They were tried by a court martial, and condemned to die; *five* were shot, and the balance pardoned.'

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